

The motion prevailed without objection.

The House accordingly, at 1:03 a.m. May 31, 1971 recessed until 9:00 a.m. May 31, 1971.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by Committees on bills and resolutions, as follows:

Appropriations: SB 908.

Engrossed and Enrolled Bills: Correctly engrossed—HB 783, HB 1367, HB 1488, HB 1674, HB 1722, HB 1744, HB 1888, HB 1890, HJR 95, HCR 170, HCR 171, HCR 184, HCR 192. Correctly enrolled—HB 50, HB 156, HB 281, HB 298, HB 314, HB 335, HB 339, HB 358, HB 416, HB 451, HB 471, HB 517, HB 525, HB 611, HB 651, HB 685, HB 686, HB 690, HB 694, HB 727, HB 796, HB 893, HB 903, HB 910, HB 920, HB 922, HB 969, HB 1007, HB 1034, HB 1131, HB 1145, HB 1165, HB 1166, HB 1179, HB 1186, HB 1262, HB 1265, HB 1273, HB 1293, HB 1299, HB 1323, HB 1351, HB 1412, HB 1441, HB 1491, HB 1612, HB 1613, HB 1622, HB 1642, HB 1659, HB 1680, HB 1686, HB 1690, HB 1691, HB 1692, HB 1693, HB 1694, HB 1695, HB 1696, HB 1697, HB 1701, HB 1703, HB 1710, HB 1711, HB 1716, HB 1727, HB 1728, HB 1735, HB 1741, HB 1748, HB 1755, HB 1764, HB 1769, HB 1773, HB 1873, HB 1787, HB 1789, HB 1792, HB 1793, HB 1794, HB 1810, HB 1823, HB 1832, HB 1840, HB 1844, HB 1851, HB 1863, HB 1864, HB 1890, HJR 68, HCR 83, HCR 129, HCR 134, HCR 180, HCR 185, HCR 186, HCR 187, HCR 188.

Higher Education: SB 419.

Judiciary: SB 885.

Resolutions and Interim Activities: HSR 615, HSR 619, HSR 628, HSR 630, SCR 86, SCR 101, SCR 103, SCR 116, SCR 129, SCR 132, SCR 133, SCR 135.

State Affairs: SB 960, SCR 41, SCR 114.

EIGHTY-FIFTH DAY (Continued)—MONDAY, MAY 31, 1971

The House met at 9:00 a.m. and was called to order by the Speaker.

The roll of the House was called and the following Members were present:

Mr. Speaker	Bass, T.	Bynum	Clayton
Adams	Bigham	Caldwell	Coats
Agnich	Blanton	Carrillo	Cole
Allen, Joe	Blythe	Cates	Craddick
Allen, John	Boyle	Cavness	Davis, D.
Atwood	Braecklein	Christian	Davis, H.
Baker	Burgess	Clark	Doyle

Farenthold	Jones, E.	Nichols	Smith
Finck	Jones, G.	Nugent, J.	Solomon
Finnell	Jungmichel	Ogg	Spurlock
Finney	Kaster	Orr	Stewart
Grant	Kubiak	Parker, C.	Stroud
Hale	Lemmon	Parker, W.	Swanson
Hanna, Joe	Lewis	Patterson	Traeger
Harris	Lombardino	Pickens	Truan
Hawkins	Longoria	Poerner	Uher
Hawn	McAlister	Poff	Von Dohlen
Head	McKissack	Price	Ward
Heatly	Mengden	Rosson	Wayne
Hendricks	Moncrief	Salem	Wieting
Hilliard	Moore, A.	Salter	Williams
Holmes, T.	Moreno	Santiesteban	Wolff
Howard	Murray	Short	Wyatt
Hubenak	Nabers	Silber	
Johnson	Neugent, D.	Simmons	
Jones, D.	Newton	Slider	

Absent

Allred	Dramberger	Holmes, Z.	Niland
Angly	Earthman	Hull	Presnal
Bass, B.	Floyd	Ingram	Reed
Beckham	Foreman	Kilpatrick	Sanchez
Bowers	Gammage	Kost	Schulle
Braun	Garcia	Lee	Semos
Calhoun	Golman	Ligarde	Slack
Cobb	Graves	Lovell	Tarbox
Cruz	Hannah, John	Moore, G.	Tupper
Daniel	Harding	Moore, T.	Vale
Denton	Haynes	Nelms	Williamson
Doran			

Absent-Excused

Atwell	Rodriguez	Shannon	Sherman
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(While the roll was being called, Mr. Lombardino occupied the Chair temporarily)

(Speaker in the Chair)

(Mr. Ward in the Chair)

A quorum of the House was announced present.

The Invocation was offered by the Honorable Ray Lemmon.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence, temporarily for today, on account of important business:

Mr. Shannon on motion of Mr. Delwin Jones.

Mr. Rodriguez on motion of Mr. Harris.

Mr. Atwell was granted leave of absence for today on account of illness on motion of Mr. Orr.

Representatives Reed, Foreman, Allred, Dramberger, and Beckham entered the House and were announced present.

MEMORIAL RESOLUTIONS ADOPTED

The following Memorial Resolutions were adopted unanimously by a rising vote:

HSR 612, by Angly, Foreman, Cavness, and Harold Davis: In memory of E. R. Jacobson, Jr.

HSR 639, by Hubenak: In memory of Rudolph Janecka of Rosenberg.

HSR 640, by Hubenak: In memory of Mrs. Mamie E. George.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 637, by Wieting: Congratulating the Youth Choir of the First Baptist Church of Portland, Texas.

HSR 638, by Hubenak: Congratulating Mrs. Dorcas Aylor of Orchard, Texas.

Representatives Lovell and Nelms entered the House and were announced present.

HCR 191—ADOPTED

The Chair laid before the House the following resolution on committee report:

HCR 191, by Murray: Granting Mrs. Quatha Kirkpatrick permission to sue the state.

The resolution was adopted without objection.

(Speaker in the Chair)

SCR 86—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 86, Establishing a committee on Traffic Court Reorganization.

The resolution was adopted without objection.

SCR 101—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 101, Creating a special interim committee on nursing homes.

The resolution was adopted without objection.

SCR 103—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 103, Appointing an interim committee to investigate life insurance company insolvencies.

The resolution was adopted without objection.

SCR 114—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 114, Designating the months of July, August, and September as "Keep Texas Homes Beautiful" months.

The resolution was adopted without objection.

SCR 129—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 129, Creating a committee to study vacancy laws.

The resolution was adopted without objection.

SCR 132—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 132, Creating an interim Coastal Zone Study Committee to study the problems of coastal lands and waters of the state.

The resolution was adopted without objection.

SCR 133—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 133, Creating an interim committee to study the revision of the hard mineral laws of this state.

The resolution was adopted without objection.

Representative Calhoun entered the House and was announced present.

SCR 135—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 135, Creating an interim committee on state tax policy.

The resolution was adopted without objection.

SCR 41—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 41, Authorizing the Water Quality Board to convert Mitchell Lake in Bexar County into a public recreation lake.

The resolution was adopted without objection.

SCR 116—ADOPTED

The Speaker laid before the House the following resolution on committee report:

SCR 116, Creating an interim committee known as the Rio Grande River Water Study.

The resolution was adopted without objection.

HCR 155—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 155, Creating an interim Committee on Organization of the Executive Branch of Government.

The resolution was adopted without objection.

COMMITTEE MEETING

Mr. Orr asked unanimous consent of the House that the Committee on Youth be permitted to meet at this time.

There was no objection offered.

HCR 178—LAID ON THE TABLE SUBJECT TO CALL

The Speaker laid before the House the following resolution on committee report:

HCR 178, Creating an interim committee to study water problems in the Rio Grande Valley.

Mr. Carrillo moved that HCR 178 be laid on the table subject to call.

There was no objection offered and it was so ordered.

Representative Schulle entered the House and was announced present.

HCR 182—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 182, Creating an interim committee to study feasibility of constructing a statewide museum.

The resolution was adopted without objection.

HCR 140—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HCR 140, Creating an interim committee on nursing homes.

The resolution was adopted without objection.

Representatives Griffith Moore, Shannon, and Presnal entered the House and were announced present.

**PROVIDING FOR CONSIDERATION OF A LOCAL
AND CONSENT CALENDAR OF SENATE BILLS**

Mr. Jim Nugent moved to suspend all necessary rules to set a local and consent calendar of Senate Bills for 11:00 a.m. today and to suspend all necessary rules to use the Local and Consent Calendar which had been placed before the House for consideration on yesterday, including suspension of all rules needed to set, lay out, take up, print, and consider a Local and Consent Calendar of Senate Bills on today at 11:00 a.m.

The motion prevailed.

(Mr. Cavness in the Chair)

Representatives Semos, Braun, Garcia, Ligarde, Bowers, Lee, and Harding entered the House and were announced present.

SB 814—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Harris submitted the following Conference Committee Report on SB 814:

Austin, Texas, May 27, 1971

Honorable Ben Barnes,
President of the Senate

Honorable Gus Mutscher,
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 814 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

On the part of the Senate: A. R. Schwartz
 Mauzy
 Wilson
 Bernal
 McKool

On the part of the House: E. J. Harris
 Joe A. Hubenak
 Dean Neugent
 Rex Braun
 R. C. Nichols

SB 814, An Act relating to the salaries of certain officials in certain counties; amending Sections 2 and 3, Chapter 34, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes); and declaring an emergency.

Be It Enacted by the Legislature of The State of Texas:

Section 1. Section 1, Chapter 34, Acts of the 61st Legislature, 2nd Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 1. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the

district clerk, the county clerk, the assessor and collector of taxes, and the sheriff shall be paid a salary of not less than \$15,000 per annum as determined by the commissioners court of such county."

Sec. 2. Section 2, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 2. In any county having a population of not less than 160,000 nor more than 170,000, according to the last preceding Federal Census, the chief deputy district clerk, the chief deputy county clerk, the chief deputy sheriff for the civil division and the chief deputy sheriff for the criminal division, and the chief deputy assessors and collectors of taxes shall be paid a salary of not more than \$14,000 per annum as determined by the commissioners court of such county."

Sec. 3. Section 3, Chapter 34, Acts of the 61st Legislature, Second Called Session, 1969 (Article 3912e-24, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 3. In any county having a population of not less than 160,000 and not more than 170,000, according to the last preceding Federal Census, the commissioners court may employ and fix the number, as well as the salaries, of the deputies, administrative assistants, and clerks of any district, county, or precinct officer, including any member of the commissioners court, in an amount not to exceed \$14,000 per year."

Sec. 4. The effective date of this Act is September 1, 1971.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended and that this Act take effect and be in full force from and after its passage, pursuant to the provisions herein, and it is so enacted.

Mr. Harris moved to suspend all necessary rules and to adopt the Conference Committee Report on SB 814.

The motion prevailed without objection.

CONGRATULATORY RESOLUTIONS ADOPTED

The following Congratulatory Resolutions were adopted unanimously:

HSR 643, by Wieting and Salter: Congratulating the high school graduates of the 36th and 44th Representative Districts.

HSR 644, by Truan: Paying tribute to the many years of service of Mr. E. E. Mireles.

On motion of Mr. Truan, the names of all the Members of the House were added to HSR 644 as signers thereof.

Mr. Johnson requested that his name not be added to HSR 644 as a signer thereof.

Representatives Bill Bass, Niland, Angly, Graves, and Golman entered the House and were announced present.

HB 655 WITH SENATE AMENDMENTS

Mr. Doran called up with Senate Amendments for consideration at this time,

HB 655, A bill to be entitled An Act including Concho County under the provisions of the Uniform Wildlife Regulatory Act; amending Section 1 of the Uniform Wildlife Regulatory Act (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

On motion of Mr. Doran, the House concurred in the Senate Amendments to HB 655 by the following vote:

Yeas—136

Adams	Davis, H.	Jones, D.	Poff
Agnich	Denton	Jones, E.	Presnal
Allen, Joe	Doran	Jones, G.	Price
Allen, John	Dramberger	Jungmichel	Reed
Allred	Earthman	Kaster	Rosson
Angly	Farenthold	Kilpatrick	Salem
Atwood	Finck	Kost	Salter
Baker	Finnell	Kubiak	Sanchez
Bass, B.	Finney	Lee	Santiesteban
Bass, T.	Floyd	Lemmon	Schulle
Beckham	Foreman	Lewis	Semos
Bigham	Gammage	Ligarde	Shannon
Blanton	Garcia	Lombardino	Short
Blythe	Golman	Longoria	Simmons
Bowers	Grant	Lovell	Slack
Boyle	Graves	McAlister	Slider
Braecklein	Hale	McKissack	Smith
Braun	Hanna, Joe	Moncrief	Solomon
Burgess	Hannah, John	Moore, A.	Spurlock
Bynum	Harding	Moore, G.	Stewart
Caldwell	Harris	Moore, T.	Stroud
Calhoun	Hawkins	Moreno	Swanson
Carrillo	Hawn	Murray	Tarbox
Cates	Haynes	Nelms	Traeger
Cavness	Head	Neugent, D.	Truan
Christian	Heatly	Newton	Tupper
Clark	Hendricks	Nichols	Uher
Clayton	Hilliard	Niland	Vale
Coats	Holmes, T.	Nugent, J.	Von Dohlen
Cobb	Howard	Orr	Ward
Cole	Hubenak	Parker, C.	Wayne
Craddick	Hull	Parker, W.	Wieting
Cruz	Ingram	Pickens	Williams
Davis, D.	Johnson	Poerner	Wolff

Absent

Daniel	Mengden	Patterson	Williamson
Doyle	Nabers	Silber	Wyatt
Holmes, Z.	Ogg		

Absent-Excused

Atwell	Rodriguez	Sherman
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Mr. Doran moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 655 and to table the motion to reconsider.

The motion to table prevailed.

HB 655—TEXT OF SENATE AMENDMENTS

Amend HB 655 by adding a new Section 2 amending Section 18 of Chapter 730, Acts of the 60th Legislature, 1967 (codified as Article 978j-1, Vernon's Texas Penal Code), as amended to read as follows:

"Sec. 18. The Parks and Wildlife Commission may thereafter, within a reasonable period, promulgate its proclamations, rules, regulations and orders for the purpose and under the provisions of this Act. Until such rules, regulations, orders and proclamations of the Parks and Wildlife Commission are adopted in accordance with the provisions of this Act, all General and Special Laws and existing proclamations relating to the taking of any of the wildlife resources within this state or county shall remain in full force and effect. All game laws, general and special, presently in force or enacted during the 62nd Legislature, pertaining to the State of Texas or any county or counties therein, shall be in full force and effect until the Parks and Wildlife Commission shall, in accordance with this Act, issue a proclamation, rule or regulation dealing with the subject matter of the county affected by such presently existing game law."

Amend HB 655 by renumbering Section 2 thereof to become Section 3.

Amend HB 655 by striking all above the enacting clause and inserting in lieu thereof the following:

A bill to be entitled An Act to include Concho County within the provisions of the Uniform Wildlife Regulatory Act, by amending Section 1 and Section 18 of the Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency.

Amend caption to conform to body of bill.

COMMITTEE MEETING

Mr. Slider asked unanimous consent of the House that the Committee on State Affairs be permitted to meet at this time.

There was no objection offered.

Representatives Cobb and Kilpatrick entered the House and were announced present.

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HSR 591—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 591, Creating an interim committee to study the upper level senior college program.

The resolution was adopted without objection.

HSR 497—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 497, Concerning House Committee on Insurance operating as an interim committee.

Mr. Pickens offered the following amendment to the resolution:

Amend HSR 497, Second Printing, by adding on page one the words "on Insurance" after the word "Representatives" on line 22 and line 28.

The amendment was adopted without objection.

HSR 497, as amended, was adopted without objection.

HSR 520—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 520, Creating an interim committee to study the hearing aid industry.

Mr. Stewart offered the following amendment to the resolution:

Amend HSR 520 by striking the word "five" wherever it appears in the first resolving clause and substituting the word "three."

The amendment was adopted without objection.

HSR 520, as amended, was adopted without objection.

Representative Vale entered the House and was announced present.

HSR 578—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 578, Creating an interim committee to study the "hold harmless" agreements.

The resolution was adopted without objection.

Representative Slack entered the House and was announced present.

HSR 579—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 579, Directing the Legislative Council to study business activity on consecutive Saturday and Sunday.

The resolution was adopted without objection.

HSR 500—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 500, Creating an interim committee on health services and health care.

Mr. Von Dohlen offered the following amendment to the resolution:

Amend HSR 500, Second Printing, as follows:

(1) Strike the word "seven" appearing in lines 44 and 46 and substitute the word "five" in each instance; also delete the clause beginning with the word "if" on line 47 and ending with the semicolon following the word "advisable" on line 48.

(2) Strike the clause beginning with the comma immediately preceding the word "but" in line 52 and ending with the comma following the word "appointed" in line 53.

The amendment was adopted without objection.

HSR 500, as amended, was adopted without objection.

Representative Tarbox entered the House and was announced present.

HSR 538—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 538, Creating a committee on taxation and economy in state operations.

The resolution was adopted without objection.

HSR 535—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 535, Creating an interim committee relative to instituting an employee suggestion program for state employees.

The resolution was adopted without objection.

HSR 400—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 400, Creating an interim committee to study rail passenger service.

The resolution was adopted without objection.

HSR 553—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 553, Creating an interim committee on disposition of property damage claims.

The resolution was adopted without objection.

HSR 611—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 611, Creating an interim committee on dental care.

The resolution was adopted without objection.

(Speaker in the Chair)

HSR 404—ADOPTED

The Speaker laid before the House the following resolution on committee report:

HSR 404, Creating a study committee on the food processing industry.

The resolution was adopted without objection.

(Mr. Cavness in the Chair)

CONGRATULATORY RESOLUTION ADOPTED

The following Congratulatory Resolution was adopted unanimously:

HSR 193, by Tarbox: Congratulating Dr. J. William Davis of Lubbock, Texas.

HSR 301—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 301, Creating an interim committee to study problems of juvenile crime and delinquency.

The resolution was adopted without objection.

HSR 516—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 516, Creating the House Interim Water Committee.

The resolution was adopted without objection.

HSR 547—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 547, Creating the House Interim Water Resources and Land Use Study Committee.

Mr. Clayton offered the following amendment to the resolution:

Amend HSR 547 by striking the second resolving clause.

The amendment was adopted without objection.

HSR 547, as amended, was adopted without objection.

HSR 438—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 438, Creating an interim committee on coastal waterways and shipping industry.

The resolution was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HSR 184, By Calhoun, Jim Nugent: Creating a special interim committee on the Penal Code of Texas.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HSR 451—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 451, Creating a special interim committee on nursing aides and licensing of nurses.

The resolution was adopted.

HSR 553—VOTE RECONSIDERED

Mr. Salem moved to reconsider the vote by which HSR 553 was adopted.

The motion prevailed without objection.

Mr. Salem offered the following amendment to the resolution:

Amend HSR 553 by deleting all of lines 27 through 32 and placing in lieu thereof the following:

“Resolved, That the committee shall study and determine (1) a reasonable maximum time period within which all common carriers, specialized motor carriers, motor carriers, and contract carriers should be required to admit or deny liability of property damage claims resulting from transporting property for compensation or hire, and (2) a reasonable method of enforcing such a maximum time period; and, be it further”

The amendment was adopted without objection.

HSR 553, as amended, was adopted without objection.

HSR 545—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 545, Creating an interim committee to study pari-mutuel system of horse racing.

Mr. Swanson offered the following amendment to the resolution:

Amend HSR 545 by striking the word “five” in line one, paragraph six and inserting in lieu thereof the word “seven.”

The amendment was adopted without objection.

HSR 545, as amended, was adopted without objection.

Representative Denton entered the House and was announced present.

HSR 573—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 573, Creating an interim committee to study identification of personal property.

The resolution was adopted without objection.

HSR 628—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 628, Creating a special study commission on imported fire ant infestation.

The resolution was adopted without objection.

HSR 403—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 403, Creating an interim committee on solid waste disposal.

The resolution was adopted without objection.

HSR 455—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 455, Creating an interim committee to study licensing of automobile repair businesses.

The resolution was adopted without objection.

HSR 567—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 567, Creating an interim committee on youth activities and affairs.

The resolution was adopted without objection.

VOTE RECORDED

Mr. Patterson requested to be recorded as voting Nay on the adoption of HSR 567.

HSR 466—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 466, Creating an interim committee to study state boards, commissions, agencies, and regulatory bodies.

The resolution was adopted without objection.

HSR 474—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 474, Creating an interim committee to study the problems of the state park system and the conservation of wildlife and aquatic resources.

The resolution was adopted without objection.

HSR 526—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 526, Creating a special interim committee on oil and gas regulation.

Mr. Finck offered the following amendment to the resolution:

Amend HSR 526 by adding a paragraph to read:

“, and be it

Resolved, The committee shall not recommend, study, or consider any policy, law, or bill directed at price fixing, or in anyway relative to the price to be paid for any natural resource or the adjustment of any existing contract in relation to the price of any natural resource between any person, firm, corporation or political subdivision of this state.”

The amendment was adopted without objection.

HSR 526, as amended, was adopted without objection.

HSR 490—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 490, Creating an interim committee to study electronic communications utilized by the House of Representatives.

The resolution was adopted without objection.

Representative Daniel entered the House and was announced present.

HSR 590—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 590, Creating an interim committee on local government.

The resolution was adopted without objection.

HSR 287—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 287, Creating a special interim committee on electrology.

The resolution was adopted without objection.

HSR 445—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 445, Creating an interim committee on criminal procedure.

The resolution was adopted without objection.

HSR 534—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 534, Requesting the State Building Commission to prepare a project analysis for construction of a state office building in Bexar County.

The resolution was adopted without objection.

HSR 446—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 446, Creating an interim committee to study the functions of occupational regulatory state agencies.

The resolution was adopted without objection.

HSR 447—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 447, Creating a special interim committee to study Law Enforcement Education in Texas.

The resolution was adopted without objection.

HSR 24—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 24, Creating an interim committee to study current programs concerning the emotionally disturbed child.

Mr. Daniel offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend the second resolving clause to HSR 24 to read as follows:

“Resolved, That the committee shall be composed of five Members of the House of Representatives and three private citizens concerned with the problems of emotionally disturbed children, to be named by the Speaker of the House; and, be it further”

The committee amendment was adopted without objection.

HSR 24, as amended, was adopted without objection.

HSR 494—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 494, Creating an interim committee for the coordination of state and federal air quality standards.

The resolution was adopted without objection.

HSR 487—ADOPTED

The Chair laid before the House the following resolution on committee report:

HSR 487, Creating an interim committee to study no-fault automobile insurance and competitive rate making.

The resolution was adopted without objection.

HB 988 WITH SENATE AMENDMENTS

Mr. Jim Nugent called up with Senate Amendments for consideration at this time,

HB 988, A bill to be entitled An Act relating to the creation, establishment, administration, powers, duties, maintenance, and operation of the Bandera County River Authority of Bandera County, Texas; and declaring an emergency.

Mr. Jim Nugent moved to suspend all necessary rules and concur in the Senate Amendments to HB 988.

The motion prevailed without objection.

Mr. Jim Nugent moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 988 and to table the motion to reconsider.

The motion to table prevailed.

HB 988—TEXT OF SENATE AMENDMENTS

Amend HB 988 by striking "(1) (2) (3) (4) (5) (6) (7) (8) (9)" in Section 9 and substituting the following:

- "(1) M. R. Sandidge
- (2) Thomas U. Kesse
- (3) Daniel Tschirhart
- (4) Edwin Vawter
- (5) Allie Allsup
- (6) Paul Garrison, Sr.
- (7) Eldon Boltinghouse
- (8) Henry Fisher
- (9) R. E. Adams"

Amend caption to conform to body of bill.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 1020 by 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 122, By Salter: Establishing the Committee to Study the Proper Roles of Junior Colleges and Technical Institutes.

HCR 32, By Tarbox: That Bobby K. Field is granted permission to sue the State of Texas in any court of competent jurisdiction for any relief to which he may be entitled under the law arising from the allegations stated in this resolution or any allegations necessarily connected with them.

HCR 104, By Niland: Granting Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, Independent Utilities Corporation, and

Domecello, Inc., permission to sue the State of Texas and the State Highway Department of the State of Texas.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HB 1089 WITH SENATE AMENDMENTS

Mr. Floyd called up with Senate Amendments for consideration at this time,

HB 1089, A bill to be entitled An Act requiring of certain public officials records and reports of certain monies received or disbursed by him; prescribing penalties; providing for severability; and declaring an emergency.

Mr. Floyd moved to suspend all necessary rules and concur in the Senate Amendments to HB 1089.

The motion prevailed without objection.

Mr. Floyd moved to reconsider the vote by which the House concurred in the Senate Amendments to HB 1089 and to table the motion to reconsider.

The motion to table prevailed.

VOTES RECORDED

Representatives Silber, Clayton, Heatly, Johnson, and Wolff requested to be recorded as voting Nay on the motion to concur in Senate Amendments to HB 1089.

HB 1089—TEXT OF SENATE AMENDMENTS

Amend HB 1089 by striking out Section 1 and substituting in lieu thereof the following:

"Section 1. No county official, his agents, servants, deputies, or employees shall operate a private business on public property unless he shall:

(a) keep an accurate and detailed record of all monies received and disbursed by him; and

(b) file with the county auditor, or the auditing authority of the county, a report covering all of said receipts and disbursements during the immediately preceding calendar year on or before January 1 of each year; and

(c) make available to the county auditor all records of said receipts and disbursements,

provided however that this act shall not apply to compensation received by justices of the peace and official court reporters for performance of an act not required by law of such official.

Amend caption to conform to body of bill.

(Mr. Jim Nugent in the Chair)

Representative Tupper entered the House and was announced present.

CONSIDERATION OF BILLS ON THE LOCAL AND CONSENT
CALENDAR

In accordance with a previous motion, the House proceeded to the consideration of bills on the Local and Consent Calendar.

SB 18 ON SECOND READING
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 18, Cancelling and releasing any future reversionary right and interest of the State of Texas in the Original City of Austin and transferring such land to the Austin Independent School District.

The bill was read second time.

Mr. Longoria offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 18 by striking all below the enacting clause and substituting therefor the following:

Section 1. The State of Texas hereby grants and conveys all right, title and interest of the State of Texas to the Austin Independent School District in and to the property dedicated on the map of the Original City of Austin as "Academy" and as "University" and located between Mesquite Street (now known as 11th Street) and Peach Street (now known as 13th Street) and Rio Grande Street and West Avenue, in Austin, Travis County, Texas, so long as said property is used by the Austin Independent School District for public education purposes. The State of Texas hereby specifically retains a right of reverter in said property and the title thereto shall automatically revert to and vest in the State of Texas in the event said property shall be abandoned or cease to be used by the Austin Independent School District for public educational purposes.

Sec. 2. The fact, that the Austin Independent School District and its predecessor, the Austin Public Free Schools, beginning in the year 1876, have used, occupied, enjoyed and conducted public free schools on the property designated on the map of the Original City of Austin as "Academy" and as "University" and located between Mesquite Street (now known as 11th Street) and Peach Street (now known as 13th Street) and Rio Grande Street and West Avenue, and have bought adjoining properties for the purpose of better carrying out said public free school purposes; and the further fact, that this Act will assist and aid the Austin Independent School District in carrying out its governmental function in operating public free schools

in the Capital of the State of Texas and that the postponement of the effective date of this Act could delay the carrying out of said function, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect from and after its passage, and it is so enacted.

The committee amendment was adopted without objection.

SB 18, as amended, was passed to third reading.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the passage to third reading of SB 18.

SB 983 ON SECOND READING (Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 983, Creating the League City Semi-Tropical Gardens Utility District in Galveston County.

The bill was read second time and was passed to third reading.

SB 1029 ON SECOND READING (Mr. McAlister—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1029, Relating to the compensation of certain shorthand reporters.

The bill was read second time.

Mr. Adams offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 1029 by striking the words "less than \$6,000 nor" which are between the words "not" and "more".

Committee Amendment No. 2

Amend SB 1029 by inserting the words, "with the approval of the commissioners court" between the phrases "of Lubbock County, Texas," and "shall be in addition to transcript fees".

The committee amendments were severally adopted without objection.

SB 1029, as amended, was passed to third reading.

SB 997 ON SECOND READING

(Mr. Clayton—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 997, Allowing the Banking Commission, in the case of certain violations and unsound practices, to issue cease and desist orders and orders for the removal of certain officers or employees of state banks.

The bill was read second time.

Mr. Patterson offered the following amendment to the bill:

To amend SB 997 by striking the word "further" from line 30 on page 2.

The amendment was adopted without objection.

Mr. Patterson offered the following amendment to the bill:

To amend SB 997 by inserting the phrase "effective and" between the words "be" and "final" on page 3 at line 1.

The amendment was adopted without objection.

SB 997, as amended, was passed to third reading.

VOTES RECORDED

Mr. Orr requested to be recorded as voting Nay on the passage to third reading of SB 997.

Mr. Clayton requested to be recorded as voting Present-Not Voting on the passage to third reading of SB 997.

Representatives John Hannah, Sanchez, and Hull entered the House and were announced present.

HSR 651—REFERRED TO COMMITTEE

(Creating an interim committee to study information compiled by state agencies)

Mrs. Farenthold offered the following resolution:

HSR 651

Whereas, The Department of Public Welfare, the Department of Banking and other State agencies collect, compile and maintain information concerning the operation of said agencies and the matters they regulate; and

Whereas, It is in the public interest to make available to the public most of the information maintained by public agencies; and

Whereas, There is no law or uniform policy regarding the availability of information maintained by public agencies; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature of the State of Texas, That an interim study committee be appointed to consider the amount and nature of information compiled and maintained by state agencies, the type of information that should be made available to the public by said agencies and the feasibility of enacting legislation which would require public disclosure of public information.

The resolution was referred to the Committee on Resolutions and Interim Activities.

SB 998 ON SECOND READING
(Mr. Lemmon—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 998, Relating to and defining brokerage funds, construing them as notes, bonds, and other evidence of indebtedness and not as deposits, etc.

The bill was read second time.

Mr. Floyd offered the following amendment to the bill:

Amend SB 998 by striking all below the enacting clause and insert in lieu thereof the following:

Section 1. Chapter VII of the Texas Banking Code of 1943, Acts of the 48th Legislature, is hereby amended by adding thereto a new article, being numbered 2, which shall read as follows:

“Article 2. Brokered funds defined—Reporting—Commissioner’s Authority.

“For the purpose of this article, ‘brokered funds’ are funds accepted by a bank on which a fee in money is paid or agreed to be paid, directly or indirectly, either to the depositor of such funds or a third party by such bank or a third party, in addition to any interest to be paid under the contract of repayment.

“In the event that any bank shall accept brokered funds as defined herein, it shall forthwith notify the Commissioner in writing of the acceptance of such funds, the depositor and his address, any loans, if any, made in consideration of or conditioned upon said deposit, and listing the borrower, his address, and any collateral securing said loan, and such other information concerning said deposit and loan as the Commissioner may require and on such forms as may be prescribed by the Commissioner. The Commissioner may further require any bank to report such brokered funds and loans as above prescribed, if any, which have been accepted or made previous to the effective date of this act.

“Provided however, should the Commissioner find from examination or other evidence that a bank is being operated in an unsafe manner, or insol-

vency of the bank is threatened, or the continued acceptance of brokered funds will threaten the liquidity of the bank, then the Commissioner shall have the authority to act as follows:

"(a) to issue an order to cease and desist from further accepting any brokered funds, or otherwise to regulate the amount of such funds which may be accepted or the rate of interest to be paid, and

"(b) to issue a written order stating that after the effective date thereof all brokered funds accepted by said bank shall be and are hereby classified as the issuance, sale and negotiation of 'notes, bonds, and other evidence of indebtedness' by the bank as provided in paragraph (h), Article 1, Chapter III of such Code, and not as deposits received by the bank as provided in paragraph (a), Article 1, Chapter III of the Banking Code of 1943 as amended. In the event that brokered funds are accepted after issuance of such order, it shall be the duty of said bank to state in the contract of repayment that in the event of liquidation of the issuing bank, the owner and holder of such contract of repayment shall be considered and treated as a common creditor and not as a depositor of the bank, and a cash reserve of ten percent (10%) of the total outstanding brokered funds shall be maintained against such funds, in the same manner as cash reserves are maintained against demand deposits and time deposits.

"Provided further, that the Commissioner may exercise any or all of the powers above provided, which shall be cumulative of any other powers and remedies provided elsewhere in this Code."

Section 2. Articles 1 through 6 of Chapter VII of The Texas Banking Code of 1943 having been heretofore repealed at the time of the enactment of The Uniform Commercial Code by the 59th Legislature, Acts 1965, the remaining Articles in said Chapter VII are hereby renumbered as follows:

"Article 7 is renumbered as Article 1.

"Article 7a is renumbered as Article 3.

"Article 8 is renumbered as Article 4.

"Article 9 is renumbered as Article 5.

"Article 10 is renumbered as Article 6."

Section 3. If any provision, section, sentence, clause, or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Section 4. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only.

Section 5. The need for modernization and clarification of the Texas Banking Code of 1943, so that banks may better serve their communities, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Representative Gammage entered the House and was announced present.

LEAVE OF ABSENCE GRANTED

The following Member was granted leave of absence for the remainder of today on account of important business:

Mr. Zan Holmes on motion of Mr. Reed.

SB 998—(Consideration continued)

Mr. Patterson offered the following amendment to the Floyd amendment:

To amend the Floyd substitute to SB 998 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter VI of the Texas Banking Code of 1943 (Article 342-101 et seq., Vernon's Texas Civil Statutes), is hereby amended by adding thereto a new article, being numbered 7A, which shall read as follows:

"Article 7A. Brokered funds defined—not construed as deposits—Commissioner's authority—duty of issuing banks.

"Brokered funds accepted by a state bank shall not be construed as deposits received by the bank as provided in Paragraph (a), Article 1, Chapter III of the Banking Code of 1943, as amended, but shall be construed as the issuance, sale and negotiation of 'notes, bonds, and other evidence of indebtedness' by the bank as provided in Paragraph (h), Article 1, Chapter III of such code.

"For purposes of this article, 'brokered funds' are funds accepted on behalf of a bank on which a fee, rate or other consideration is paid or is agreed to be paid, directly or indirectly, by a bank or any other party, in addition to the rate of interest prescribed in the contract of repayment.

"In the event that any bank shall accept brokered funds as defined herein, it shall forthwith notify the Commissioner in writing of the acceptance of such funds, the depositor and his address, any loans, if any, made in consideration of or conditioned upon said deposit, and listing the borrower, his address, and any collateral securing said loan, and such other information concerning said deposit and loan as the Commissioner may require and on such forms as may be prescribed by the Commissioner. The Commissioner may further require any bank to report such brokered funds and loans as above described, if any, which have been accepted or made previous to the effective date of this act.

"When the Banking Commissioner is satisfied upon examination or otherwise that a state bank is accepting brokered funds as herein set out, he shall have authority to require the bank to cease and desist from accepting such funds, or otherwise regulate the amount of funds so received and the rate of interest to be paid thereon by the bank.

"In case brokered funds are accepted, it shall be the duty of the issuing

bank to state in the contract of repayment that in the event of liquidation of the issuing bank, the owner and holder of such contract of repayment shall be considered and treated as a common creditor and not as a depositor of the bank.

"A cash reserve of 10% of the total outstanding brokered funds shall be maintained against such funds, in the same manner as cash reserves are maintained against demand deposits and time deposits.

"The provisions of this article shall apply and take effect on January 1, 1972, and such provisions shall not apply as to any time deposit in effect at the date of the enactment of this article."

Sec. 2. If any provision, section, sentence, clause or part of this Act or the application thereof to any person or circumstance is held invalid, such holding shall not affect any provisions or applications of this Act which can be given effect without the invalid provision or application and to this end the provisions of this Act are declared to be severable.

Sec. 3. All laws or parts of laws which are in conflict with this Act are hereby repealed or modified to the extent of such conflict only.

Sec. 4. The need for modernization and clarification of the Texas Banking Code of 1943, so that banks may better serve their communities, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Floyd moved to table the above amendment.

A record vote was requested.

The motion to table prevailed by the following vote:

Yeas—94

Agnich	Doran	Jones, D.	Parker, W.
Allen, John	Doyle	Jones, G.	Pickens
Baker	Dramberger	Jungmichel	Poerner
Bigham	Earthman	Kost	Poff
Blanton	Finck	Lemmon	Price
Boyle	Floyd	Lewis	Salem
Braecklein	Foreman	Lombardino	Salter
Burgess	Garcia	Lovell	Sanchez
Bynum	Golman	McAlister	Santiesteban
Caldwell	Hale	McKissack	Schulle
Carrillo	Harding	Mengden	Semos
Cates	Hawkins	Moncrief	Shannon
Cavness	Hawn	Moore, A.	Short
Christian	Haynes	Moore, G.	Silber
Cobb	Heatly	Murray	Simmons
Cole	Hilliard	Nabers	Slider
Craddick	Howard	Neugent, D.	Smith
Daniel	Hubenak	Niland	Solomon
Davis, D.	Ingram	Nugent, J.	Spurlock
Davis, H.	Johnson	Ogg	Stewart

Stroud	Tupper	Wayne	Wolff
Swanson	Uher	Wieting	Wyatt
Tarbox	Von Dohlen	Williams	
Traeger	Ward	Williamson	

Nays—34

Adams	Cruz	Harris	Nichols
Allen, Joe	Denton	Head	Parker, C.
Allred	Farenthold	Kaster	Patterson
Angly	Finnell	Kubiak	Presnal
Bass, T.	Finney	Lee	Reed
Bowers	Gammage	Moore, T.	Rosson
Braun	Grant	Nelms	Truan
Clark	Graves	Newton	Vale
Coats	Hannah, John		

Present—Not Voting

Atwood	Holmes, T.	Ligarde	Orr
Clayton			

Absent

Bass, B.	Calhoun	Hull	Longoria
Beckham	Hanna, Joe	Jones, E.	Moreno
Blythe	Hendricks	Kilpatrick	Slack

Absent-Excused

Atwell	Holmes, Z.	Rodriguez	Sherman
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REASON FOR VOTE

I voted Yea in error on the above vote and wish to be recorded as voting Nay.

Signed: Mengden

The Floyd amendment was then adopted by the following vote:

Yeas—106

Adams	Cates	Floyd	Johnson
Allen, John	Cavness	Foreman	Jones, D.
Angly	Christian	Garcia	Jones, G.
Atwood	Cole	Golman	Jungmichel
Baker	Craddick	Hale	Kaster
Bass, T.	Daniel	Hanna, Joe	Kilpatrick
Beckham	Davis, D.	Harding	Kost
Bigham	Davis, H.	Hawkins	Kubiak
Blanton	Doyle	Hawn	Lemmon
Boyle	Dramberger	Haynes	Lewis
Braecklein	Earthman	Heatly	Lombardino
Bynum	Farenthold	Hilliard	Longoria
Calhoun	Finck	Howard	Lovell
Carrillo	Finnell	Hubenak	McAlister

McKissack	Parker, W.	Shannon	Truan
Moncrief	Pickens	Short	Tupper
Moore, A.	Poerner	Silber	Uher
Moore, G.	Poff	Simmons	Vale
Moreno	Price	Slider	Von Dohlen
Murray	Reed	Smith	Ward
Nabers	Rosson	Solomon	Wayne
Nelms	Salem	Spurlock	Wieting
Neugent, D.	Salter	Stewart	Williamson
Niland	Sanchez	Stroud	Wolff
Nugent, J.	Santiesteban	Swanson	Wyatt
Ogg	Schulle	Tarbox	
Parker, C.	Semos	Traeger	

Nays—23

Agnich	Caldwell	Graves	Moore, T.
Allen, Joe	Coats	Hannah, John	Newton
Allred	Cruz	Harris	Nichols
Blythe	Denton	Head	Patterson
Bowers	Gammage	Lee	Presnal
Braun	Grant	Mengden	

Present—Not Voting

Clayton	Ligarde	Orr	Williams
Holmes, T.			

Absent

Bass, B.	Cobb	Hendricks	Jones, E.
Burgess	Doran	Hull	Slack
Clark	Finney	Ingram	

Absent-Excused

Atwell	Holmes, Z.	Rodriguez	Sherman
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Mr. Floyd offered the following amendment to the bill:

Strike all above the enacting clause and substitute the following:

A bill to be entitled An Act amending Chapter VII of the Texas Banking Code of 1943, Acts 48th Legislature, by adding thereto a new article, being numbered 2, relating to and defining brokered funds, relating to authority of the Commissioner to regulate the acceptance of such funds by a state bank; renumbering the remaining Articles of Chapter VII of The Texas Banking Code of 1943; providing for severability, providing that all laws or parts of laws which are in conflict with this Act are repealed or modified to the extent of such conflict; and declaring an emergency.

The amendment was adopted without objection.

SB 998, as amended, was passed to third reading.

VOTES RECORDED

Representatives Slider, Orr, Patterson, and Rodriguez requested to be recorded as voting Nay on the passage to third reading of SB 998.

Representatives Clayton and Baker requested to be recorded as voting Present—Not Voting on the passage to third reading of SB 998.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 56 by the following vote: 25 Yeas, 6 Nays.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to SB 194, SB 268, SB 473, and SB 1021 by viva voce vote.

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 192, By Spurlock, Golman, et al: Congratulating Dr. Jack Kenny Williams on his excellent achievements in the field of education, and on his appointment as President of Texas A&M University.

HB 1674, By Cavness: Relating to time for payment and the requirement of a surety bond to secure payment by distributors for cigarette stamps and meter settings and amending the cigarette tax law discount rate; and declaring an emergency.

HB 1744, By Wyatt: Relating to the quail season in Victoria County; and declaring an emergency.

HB 1437, By Orr: Relating to eligibility of candidates for all elected public offices of cities of any class; and declaring an emergency. (with amendments)

HB 1888, By Traeger: Relating to the composition of the 198th Judicial District; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 999 ON SECOND READING
(Mr. Clayton—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 999, Relating to bank delinquencies and their prevention; relating to supervision of banks and conservatorship and liquidation proceedings by the Banking Commissioner.

The bill was read second time.

Mr. Lemmon offered the following amendment to the bill:

Amend SB 999 by renumbering Sections 2, 3, and 4 as Sections 3, 4, and 5 and inserting a new Section 2 to read as follows:

Sec. 2. Subchapter V, Texas Banking Code of 1943, as amended (Article 342-501, et seq., Vernon's Texas Civil Statutes), is amended by adding an Article 9b, to read as follows:

"Article 9b. (a) An officer of a state bank who obtains a loan or extension of credit from a bank shall file at the bank of which he is an officer within ten (10) days of obtaining the loan or extension of credit, a verified statement including the amount of the loan or extension of credit and the name and address of the bank from which it was obtained. The statement shall be entered in the minutes of the board of directors.

"(b) Within ten (10) days of the effective date of this Article, every officer of a state bank shall file with the bank of which he is an officer a verified statement of all loans or extensions of credit which he owes to any bank. The statement shall include the amount of each loan or extension of credit and the name and address of the creditor bank. The statement shall be entered in the minutes of the board of directors.

"(c) A statement filed under this Article is a privileged communication. It may not be disclosed to any person other than the commissioner or his agent or representative, an examiner or assistant examiner, or a director of the bank.

"(d) An officer who fails to file a statement as required by this Article or who files a false statement is guilty of a misdemeanor and upon conviction is punishable by imprisonment in the county jail for not more than 30 days or by a fine of not more than \$250 or by both.

"(e) Any state bank officer convicted of a violation of this Article forfeits his office by operation of law upon conviction. He may not be an officer of a state bank within one year of conviction of a violation of this Article."

The amendment was adopted without objection.

SB 999, as amended, was passed to third reading.

VOTES RECORDED

Mr. Orr requested to be recorded as voting Nay on the passage to third reading of SB 999.

Mr. Clayton requested to be recorded as Present—Not Voting on the passage to third reading of SB 999.

HSR 647—REFERRED TO COMMITTEE

(Creating an interim committee on the Administration of Public Education)

Mr. Burgess offered the following resolution:

HSR 647

Whereas, The citizens of Texas have always strived to provide the finest education possible to the students of Texas at all levels of the public schools; and

Whereas, Recent innovations in education have generally received the warm support of the Texas Legislature and have been implemented as quickly and as economically possible to assure the continued educational development of Texas scholastics; and

Whereas, These new programs and facilities for the public schools of Texas have sometimes been approved and implemented without a full consideration of the best and most efficient way to administer such programs; and

Whereas, It is the duty and responsibility of the state government to explore possible new means of administering educational programs for the ultimate goal of providing for the total educational needs of its citizens with a maximum of efficiency and economy; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature hereby create a special interim Committee on the Administration of Public Education in Texas; the committee shall study (1) all phases of the Texas Education Agency and its methods of administering the public education system of Texas, (2) better ways to conduct all facets of departments of education for the betterment and upgrading of public education in Texas, (3) the need and desirability of reorganizing the Texas Education Agency to eliminate duplication of efforts, (4) possible means of curbing non-essential expenditures to maintain the greatest possible efficiency in the administration of public education in Texas, and (5) any other related matter which the committee shall deem significant in making a complete study of the problems mentioned in this resolution; and, be it further

Resolved, That the committee shall consist of seven members, all to be appointed by the Speaker of the House: three Members of the House of Representatives, at least one of whom shall be a businessman by profession; two superintendents of schools, one of whom shall be from a class B, A, or AA school, and the other of whom shall be from a class AAA or AAAA school; one educational consultant; and one school designer. The chairman of the committee shall be designated by the Speaker from among the three legislative Members of the committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the complete report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

Signed: Burgess, Jungmichel, Salter, and Smith

The resolution was referred to the Committee on Resolutions and Interim Activities.

SB 1000 ON SECOND READING
(Mr. Lemmon—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1000, Relating to transfer of appellate authority from the State Banking Board to the banking section of the Finance Commission of Texas.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Mr. Orr requested to be recorded as voting Nay on the passage to third reading of SB 1000.

Mr. Clayton requested to be recorded as Present-Not Voting on the passage to third reading of SB 1000.

SB 1001 ON SECOND READING
(Mr. Salter—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1001, Relating to application for and granting of state bank charters, the procedure for filing applications with the Banking Commissioner, and the listing of stock subscribers.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Orr and Craddick requested to be recorded as voting Nay on the passage to third reading of SB 1001.

Mr. Clayton requested to be recorded as Present-Not Voting on the passage to third reading of SB 1001.

SB 1002 ON SECOND READING
(Mr. Salter—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1002, Relating to the State Banking Board, providing for three members with the Banking Commissioner as chairman.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Mr. Orr requested to be recorded as voting Nay on the passage to third reading of SB 1002.

Mr. Clayton requested to be recorded as Present—Not Voting on the passage to third reading of SB 1002.

SB 1003 ON SECOND READING (Mr. Solomon—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1003, Relating to cash reserves, calculation, etc.; increasing the penalty for violation of laws pertaining to maintenance of these reserves by banks.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Mr. Orr requested to be recorded as voting Nay on the passage to third reading of SB 1003.

Mr. Clayton requested to be recorded as Present—Not Voting on the passage to third reading of SB 1003.

SB 1004 ON SECOND READING (Mr. Solomon—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1004, Relating to appeals from final orders of the State Banking Board and Finance Commission and providing the right of aggrieved parties to appeal to a district court within a certain time.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Mr. Orr requested to be recorded as voting Nay on the passage to third reading of SB 1004.

Mr. Clayton requested to be recorded as Present—Not Voting on the passage to third reading of SB 1004.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 11 by the following vote: 25 Yeas, 6 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 955 ON SECOND READING
(Mr. Poff—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 955, Providing that certain bonds, etc., when the United States Government, etc., guarantees payment, are authorized security for all public deposits and lawful investments.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Lee, Mengden, and Bowers requested to be recorded as voting Nay on the passage to third reading of SB 955.

SB 940 ON SECOND READING
(Mr. Traeger—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 940, Raising the eligible age of employees becoming members of the Texas County and District Retirement System to 60 years.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Lee, Spurlock, Mengden, Bowers, Slider, and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 940.

SB 74 ON SECOND READING
(Mr. Cole—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 74, Providing that board of trustees of all school districts shall adopt policies specifying the duties of each of its positions of employment.

The bill was read second time and was passed to third reading.

HOUSE AT EASE

At 12:40 p.m., the Chair stated that the House would stand at ease until 1:45 p.m. today.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on SB 51 by the following vote: 16 Yeas, 14 Nays.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

BILLS AND A RESOLUTION SIGNED BY THE SPEAKER

The Chair announced the signing by the Speaker in the presence of the House, after giving due notice thereof, the following enrolled bills and a resolution:

SB 80, Creating a Texas Department of Community Affairs.

SB 359, Relating to definition of any interested owner authorized to apply for the pooling of mineral and royalty interests in oil or gas reservoirs.

SB 400, Relating to knowledge, experience, license, and renewal fees for local recording agents.

SB 419, Relating to the creation of Tyler State College.

SB 421, Relating to vesting of benefits under the optional retirement program.

SB 455, Providing eligibility for vocational education units, etc., to rehabilitation districts through the Foundation School Program of the Central Education Agency.

SB 584, Permitting certain nonprofit charitable organizations to conduct lotteries for their benefit.

SB 801, Relating to the duties of the Advisory Council for Children with Learning Disabilities.

SB 908, Relating to the granting of tuition scholarships to nursing students at certain state-supported institutions of higher education.

SB 931, Relating to the creation and powers of the Texas Rural Industrial Authority.

SB 990, Relating to certain administrative personnel being recognized as classroom teachers for utilization of allotment purposes of the Foundation Program Act.

SB 993, Authorizing the sale or lease of property rights by certain independent school district trustees for certain existing or proposed improvements.

SB 1028, Relating to the establishment of a medical school under contract with the United States Government.

SB 1032, Providing for the issuance of certificates of indebtedness by any city or town in connection with a new community development project under the Federal Urban Growth and New Community Development Act of 1970.

SCR 137, Requesting the return of SB 910 from the Governor.

(While the House stood at ease, Mr. Poerner occupied the Chair temporarily)

(Speaker in the Chair)

(Mr. Poerner in the Chair)

At 1:45 p.m., the Chair called the House to order.

SB 408 ON SECOND READING

(Mr. Von Dohlen—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 408, Adding the seizure of vessels, vehicles, etc., transporting dangerous drugs to the list of forfeitures to the Department of Public Safety.

The bill was read second time.

Mr. Von Dohlen offered the following amendment to the bill:

Amend SB 408, second printing, by striking everything after the semicolon on page 2, line 8, and all of lines 9 through 17 and substituting the following:

"provided, no vessel, vehicle or aircraft shall be forfeited where it is shown that the illegal act has been committed by some person other than the owner and without the owner's knowledge."

The amendment was adopted without objection.

SB 408, as amended, was passed to third reading.

HOUSE AT EASE

At 1:55 p.m., the Chair stated that the House would stand at ease.

(Speaker in the Chair)

At 2:04 p.m., the Speaker called the House to order.

SB 742 ON SECOND READING

(Mr. Johnson—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 742, Relating to the production and possession of wine by the head of of a family for family use.

The bill was read second time.

Mr. Simmons offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 742 by striking the term "Section 4A" in the two places it appears and substituting in lieu thereof the term "Section 4 (a-1)".

The committee amendment was adopted without objection.

Mr. Clayton offered the following amendment to the bill:

Amend SB 742 by striking therefrom Section 1 and substituting in lieu thereof the following:

Section 1. Article I, Texas Liquor Control Act, as amended (Article 666-1 to Article 666-57, Vernon's Annotated Penal Code), is amended by adding Section 4(a-1) to read as follows:

"Section 4(a-1). It shall not be deemed in violation of the above prohibitions in Section 4 of this Article for the head of any family to produce for family use and not for sale an amount of wine not exceeding 200 gallons per annum, provided that prior to the beginning of the production process the head of the family files with the Texas Alcoholic Beverage Commission and with the office of the Commission in the district wherein the wine is to be produced a statement of intent specifying (a) the ingredients to be used, (b) the number of gallons to be produced, (c) the number of adult persons in the family and (d) any other information which the Commission may require. A fee of \$10.00 shall be attached with the copy of the statement filed in the district office. The Commission shall have the authority to prohibit the use of any ingredient found by it to be detrimental to health or susceptible of utilization to evade the provisions of this Act. The term 'wine,' as used here means the produce of normal alcoholic fermentation of the juices of grapes, dandelions, raisins, or other fruits. The possession of same shall not constitute violation of the provisions of Section 4, provided the wine conforms with the statement hereinabove required, the specified fee has been paid, and the wine is not distilled, fortified or otherwise altered to increase its alcoholic content."

The amendment was adopted without objection.

SB 742, as amended, was passed to third reading.

VOTES RECORDED

Representatives Adams, Kubiak, Cavness, Price, Cole, Howard, Christian, Wayne, Williamson, Wieting, Lovell, John Allen, Burgess, Calhoun, John Hannah, Nabers, Finnell, Ward, Head, Foreman, Smith, Joe Hanna, Caldwell, Cates, Slider, Grant Jones, Jungmichel, Bill Bass, Beckham, Hendricks, Grant, Rosson, Daniel, Orr, Craddick, Heatly, Allred, Schulle, Solomon, Finney, Harold Davis, Salter, Poff, Clayton, and Denton requested to be recorded as voting Nay on the passage to third reading of SB 742.

SB 903 ON SECOND READING
(Mr. Jungmichel—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 903, Requiring the Commissioner of Education, under certain conditions, to issue Texas teacher's certificates to appropriate out-of-state teachers who hold valid teaching certificates from other states.

The bill was read second time.

Mr. Jungmichel offered the following amendment to the bill:

Amend SB 903, Second Printing, by adding after the words "training institution" at the end of Section I the following:

"Provided, however, that the out-of-state applicants take all required courses in Texas History that a Texas Teachers Certificate requires and shall complete such course within twelve months of issuance of certificate; otherwise, certificate will be revoked."

The amendment was adopted without objection.

SB 903, as amended, was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 903.

SB 1024 ON SECOND READING
(Mr. Joe Hanna—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 1024, Relating to the creation of the constitutional office of Criminal District Attorney of Eastland County and abolishing the office of county attorney of that county.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 1024 by striking Section 7 and substituting the following:

"Sec. 7. The Criminal District Attorney of Eastland County, Texas, may be commissioned by the Governor and may receive as annual salary and compensation \$6,300 from the State of Texas. The Commissioners Court of Eastland County may, in its discretion, supplement the salary paid by the state but in no event may the total annual salary paid by the state and the county exceed \$15,500. The sum paid by the county shall be paid out of the

Officers Salary Fund of Eastland County, if adequate; if inadequate, the commissioners court shall transfer the necessary funds from the General Fund of the county to the Officers Salary Fund."

The committee amendment was adopted without objection.

SB 1024, as amended, was passed to third reading.

SB 698 ON SECOND READING
(Mr. Santiesteban—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 698, Providing for the appointment of a bailiff by the Judge of the 34th Judicial District.

The bill was read second time.

Mr. Howard offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 698 by changing in line 50, First House Printing, the word "shall" to "may."

The committee amendment was adopted without objection.

SB 698, as amended, was passed to third reading.

SB 736 ON SECOND READING
(Mr. Santiesteban—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 736, Providing for the payment of a fee upon authorization of the local county commissioners court to any justice of the peace conducting a hearing on the revocation of a driver's license.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Slider and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 736.

SB 934 ON SECOND READING
(Mr. Hale—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 934, Setting forth the procedure by which certain zoning regulations, restrictions, and boundaries may be changed, modified, or repealed.

The bill was read second time.

Mr. Wyatt offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1, SB 934, line 40, by striking "or within a distance of 250 feet thereof" and substituting therefor "and extending 200 feet therefrom."

The committee amendment was adopted without objection.

SB 934, as amended, was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 934.

SB 38 ON SECOND READING

(Mr. Hale—House Sponsor)

The Speaker laid before the House on its second reading and passage to third reading,

SB 38, Providing that an informal marriage of certain underage persons without parental consent is voidable; requiring written consent of parents to be attached to a declaration of informal marriage.

The bill was read second time.

Mr. Hale offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 38 by deleting all of the quoted subsection (c), as contained in Section 2 of the bill, and substituting in lieu thereof the following:

(c) If either party was underage, as provided in Section 2.41 of this Code, at the time of the marriage and if either party is still underage at the time of filing a declaration, the declaration shall have attached an acknowledged consent executed by the parents of each underage person.

The committee amendment was adopted without objection.

SB 38, as amended, was passed to third reading.

(Mr. Hale in the Chair)

SB 872 ON SECOND READING

(Mr. Jungmichel—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 872, Relating to the amount of compensation that may be paid an executive of a domestic insurance company.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Cavness, Price, Cole, Spurlock, and Poff requested to be recorded as voting Nay on the passage to third reading of SB 872.

SB 34 ON SECOND READING
(Mr. Atwood—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 34, Providing for a certain sum to be paid to members of the commissioners court for travel expenses incurred by them for certain purposes.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Lee, Spurlock, Mengden, and Bowers requested to be recorded as voting Nay on the passage to third reading of SB 34.

SB 881 ON SECOND READING
(Mr. Stewart—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 881, Relating to certain duties of the municipal court of record of Wichita Falls.

The bill was read second time.

Mr. Simmons offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 881 by striking out Section 1.

The committee amendment was adopted without objection.

SB 881, as amended, was passed to third reading.

SB 613 ON SECOND READING
(Mr. Boyle—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 613, Amending the Insurance Code; providing for the Commissioner of Insurance to act as official for service of legal process upon insurers.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Slider and Poff requested to be recorded as voting Nay on the passage to third reading of SB 613.

SB 846 ON SECOND READING

(Mr. Wolff—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 846, Relating to the regulation of referral sales techniques.

The bill was read second time.

Mr. Gammage offered the following amendment to the bill:

Amend SB 846 by striking everything below the enacting clause and substituting the following:

Section 1. Amend Section (b), Article 10.01, Chapter 10, Title 79, Revised Civil Statutes of Texas, 1925, as amended, by adding Subsection (17) to read as follows:

"10.01(b)(17) The use or employment of a chain referral sales plan in connection with the sale, or offer to sell, of goods, merchandise or anything of value.

"For purposes of this Act chain referral sales plan means the use or employment of any sales technique, plan, arrangement or agreement whereby a buyer or prospective buyer is partially induced to purchase merchandise in consideration of the seller's promise or representation that buyer shall have the right to receive compensation or consideration in any form whatsoever for furnishing to the seller names of other prospective buyers."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

SB 846, as amended, was passed to third reading.

VOTES RECORDED

Representatives McAlister, Lee, Mengden, Bowers, Slider, and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 846.

SB 847 ON SECOND READING

(Mr. Wolff—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 847, Relating to pyramid sales plans, multilevel marketing plans, etc.; relating to defining these as deceptive trade practices.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives McAlister, Lee, Mengden, Bowers, Slider, and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 847.

SB 849 ON SECOND READING (Mr. Wolff—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 849, Providing for regulation of home solicitation sales.

The bill was read second time.

Mr. Clayton offered the following amendments to the bill:

Amend SB 849, Section 1, Chapter 11, Article 11.01 by striking subsection (a) and substituting in lieu thereof the following:

“(a) ‘Home Solicitation Transaction’ means a consumer transaction for the purchase of goods, other than farm equipment, automobile equipment, fuel or lubricants or services in connection therewith or services, payable in installments or in cash where the consideration exceeds \$25, in which the merchant or a person acting for him engages in a personal solicitation of the sale at a residence of the consumer and the consumer’s agreement or offer to purchase is given at the residence to the merchant or person acting for him. It does not include a sale made pursuant to a preexisting revolving charge account or retail charge agreement, or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.

Amend SB 849, Second House Printing, by striking the period at the end of page 2 and adding the following phrase:

“, or a sale of the services of a real estate broker or salesman.”

The amendments were severally adopted without objection.

SB 849, as amended, was passed to third reading.

VOTES RECORDED

Representatives Howard, John Allen, Lee, Mengden, Bowers, Joe Hanna, and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 849.

SB 533 ON SECOND READING (Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 533, Authorizing the Secretary of State to administer oaths, affidavits, and affirmations.

The bill was read second time and was passed to third reading.

COMMITTEE MEETING

Mr. Murray asked unanimous consent of the House that the Committee on Higher Education be permitted to meet at this time.

There was no objection offered.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 138, By Watson: Directing the Engrossing Clerk to make corrections on SB 11.

SCR 87, By Herring: Reconstituting the Committee for the Study of Land Use and Environmental Control.

SCR 91, By Blanchard: Creating an interim committee to study life insurance companies.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 534 ON SECOND READING (Mr. Braecklein—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 534, Relating to the liability for damages of persons engaged in the transplantation or transfusion of human tissues and blood and related purposes.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 534.

SB 949 ON SECOND READING (Mr. Hawkins—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 949, Relating to the use of certain devices to call or attract animals to aid in hunting in certain areas of Falls and Limestone Counties.

The bill was read second time.

Mr. Price offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 949 by adding a new section 2 and renumbering all subsequent sections:

"Sec. 2. If any provision of this Act or the application of this Act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable."

The committee amendment was adopted without objection.

SB 949, as amended, was passed to third reading.

VOTE RECORDED

Mr. Calhoun requested to be recorded as voting Nay on the passage to third reading of SB 949.

SB 660 ON SECOND READING

(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 600, Relating to the assessment of certain life, health, and accident insurers for the protection of persons entitled to policy benefits of impaired life, health, and accident insurers.

The bill was read second time and was passed to third reading.

SB 528 ON SECOND READING

(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 528, Relating to the creation of the State Law Library to be operated and administered by the State Law Library Board.

The bill was read second time.

Mr. Rosson offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend SB 528 by striking all below the enacting clause and substituting the following:

Section 1. In this Act, unless the context requires a different meaning:

- (1) "Library" means the state law library.
- (2) "Board" means the state law library board.
- (3) "Director" means the director of the state law library.

Sec. 2. The functions and duties now performed by the library of the Supreme Court under Article 1722, Revised Civil Statutes of Texas, 1925, are transferred to the state law library, which is established as an independent agency of the state.

Sec. 3. (a) The library is under the control of, and administered by, the state law library board composed of the chief justice of the Supreme Court, the presiding judge of the Court of Criminal Appeals, and the attorney general. Each member of the board may designate a personal representative to serve for him.

(b) Members of the board or their designated representatives are not entitled to compensation for service on the board, but each member or representative is entitled to reimbursement for actual and necessary expenses incurred in attending meetings and performing official duties, to be paid out of funds appropriated to the board.

Sec. 4. The library shall maintain a legal reference facility to include the statutes and case reports from the several states and legal journals and periodicals. The facility shall be maintained for the use and information of the members and staff of the:

- (1) Supreme Court;
- (2) Court of Criminal Appeals;
- (3) Attorney General's Department;
- (4) commissions, agencies, and boards of the other branches of state government; and
- (5) citizens of the state.

Sec. 5. The board shall employ a director of the library and shall fix his salary. The director shall be accountable only to the board and shall serve at the pleasure of the board. The director may, with the approval of the board, employ professional and clerical personnel at salaries fixed by the board.

Sec. 6. All books, documents, files, records, equipment, and property of all kinds owned and used by the Supreme Court Library, the Court of Criminal Appeals Library, and the Attorney General's Library are transferred to the State Law Library.

Sec. 7. During the biennium ending August 31, 1973, the Comptroller of Public Accounts is hereby authorized and directed to set up an account to be known as the State Law Library Fund and is authorized and directed to transfer into such account from time to time moneys appropriated to the Supreme Court for the purpose of operating and administering

the Supreme Court Library. For the purpose of operating and administering the library for the Court of Criminal Appeals, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary from such court's appropriation for consumable supplies and materials or other designation for its library purposes. For the purpose of operating and administering the library for the Attorney General, the Comptroller is authorized and directed to transfer into such account from time to time such amounts as may be necessary from the appropriation to the Attorney General's office for consumable supplies and materials or other designation for its library purposes. Such transfers may be made on the direction of the Chief Justice of the Supreme Court, the Presiding Judge of the Court of Criminal Appeals, and the Attorney General, respectively. Moneys in the State Law Library Fund may be expended by the Board or its duly authorized representative for the purpose of maintaining, operating, and keeping up-to-date the State Law Library. Moneys appropriated for use of the libraries of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office during the present biennium shall not be affected by this Act.

Sec. 8. The library may transfer any books, papers, and publications located in and belonging to the library to the library of the law school of the University of Texas. The transfer may be made only on the unanimous vote of the members of the board. By majority vote, the board may recall any books, papers, or publications transferred by authority of this section.

Sec. 9. The board shall make all reasonable rules and regulations which are necessary to ensure efficient operation of the library.

Sec. 10. Article 1722, Revised Civil Statutes of Texas, 1925, as amended, is repealed.

Sec. 11. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2

A bill to be entitled An Act relating to the creation of the state law library to be operated and administered by the state law library board; transferring the function, duties and libraries of the library of the Supreme Court, Court of Criminal Appeals, and the Attorney General's office to the state law library; transferring to the board the money appropriated to the Supreme Court, Court of Criminal Appeals, and Attorney General's office for the operation and administration of their libraries; repealing Article 1722, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

The committee amendments were severally adopted without objection.

SB 528, as amended, was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 528.

SB 578 ON SECOND READING
(Mr. Golman—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 578, Relating to expanding insurance coverage for certain state employees to include operation of aircraft, motorboats and watercraft.

The bill was read second time and was passed to third reading.

SB 576 ON SECOND READING
(Mr. Golman—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 576, Authorizing the Parks and Wildlife Department to publish information on state parks, state historic sites, and state scientific areas.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Slider and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 576.

SB 1036 ON SECOND READING
(Mr. Grant Jones—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1036, Relating to the minimum tuition fee charged resident students at Texas junior colleges.

The bill was read second time.

Mr. Grant Jones offered the following amendments to the bill:

Amend SB 1036 by striking all below the enacting clause and substituting the following:

Section 1. Subsection (b), Section 51.003, Texas Education Code, as amended by HB 43, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

“(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

“(1) be certified as a public junior college as prescribed in Section 51.002 (a) (2) of this code;

"(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

"(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

"(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education, except that the amount charged nonresidents need not be greater than the amount so required by law on January 1, 1971, and that notwithstanding the provisions of Item 1, Subsection (a), Section 1, Chapter 196, Acts of the 43rd Legislature, 1933, as amended (Article 2654c, Vernon's Texas Civil Statutes), the minimum tuition charge for resident students shall be Twenty-five Dollars (\$25); and

"(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code."

Sec. 2. Subdivisions (1) and (7), Subsection (a), Section 1, Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as last amended by HB 43, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2654c, Vernon's Texas Civil Statutes), are amended to read as follows:

"(1) Tuition for resident students, except as otherwise hereinafter provided, is Four Dollars (\$4) per semester credit hour, but the total of such charge shall be not less than Fifty Dollars (\$50) per semester or twelve (12) week summer session, and not less than Twenty-five Dollars (\$25) per six (6) week summer term.

"(7) Tuition for students who are citizens of any country other than the United States of America is Fourteen Dollars (\$14) per semester credit hours, but the total of such charge shall be not less than Two Hundred Dollars (\$200) per semester or twelve (12) week summer session, and not less than One Hundred Dollars (\$100) per six (6) week summer term."

Sec. 3. This Act takes effect August 15, 1971.

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

Amend SB 1036 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to the minimum tuition fees charged at institutions of higher education; amending Subsection (b), Section 51.003, Texas Education Code, as amended; amending Subdivisions (1) and (7), Subsection (a), Section 1, Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as amended (Article 2654c, Vernon's Texas Civil Statutes); and declaring an emergency.

The amendments were severally adopted without objection.

SB 1036, as amended, was passed to third reading.

VOTE RECORDED

Mr. Craddick requested to be recorded as voting Nay on the passage to third reading of SB 1036.

SB 877 ON SECOND READING (Mr. Heatly—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 877, Relating to deferring the collection of delinquent ad valorem taxes on certain real property.

The bill was read second time and was passed to third reading.

MOTION TO PLACE SB 649 ON SECOND READING (Mr. Lemmon—House Sponsor)

Mr. Lemmon moved that all necessary rules be suspended to take up and consider at this time, SB 649.

The motion was lost.

MOTION TO PLACE SB 648 ON SECOND READING (Mr. Lemmon—House Sponsor)

Mr. Lemmon moved that all necessary rules be suspended to take up and consider at this time, SB 648.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—88

Adams	Foreman	Lewis	Schulle
Atwood	Garcia	Ligarde	Semos
Baker	Hanna, Joe	Lombardino	Shannon
Blanton	Harris	McAlister	Silber
Boyle	Hawkins	McKissack	Simmons
Braecklein	Hawn	Moncrief	Slack
Burgess	Head	Moore, A.	Slider
Bynum	Heatly	Moore, G.	Smith
Caldwell	Hendricks	Murray	Solomon
Carrillo	Hilliard	Nabers	Spurlock
Cavness	Holmes, T.	Neugent, D.	Stewart
Clayton	Howard	Newton	Swanson
Coats	Hubenak	Nichols	Tarbox
Cobb	Hull	Niland	Traeger
Cole	Ingram	Ogg	Uher
Craddick	Johnson	Orr	Vale
Cruz	Jones, E.	Pickens	Von Dohlen
Davis, D.	Jones, G.	Poerner	Wayne
Davis, H.	Jungmichel	Presnal	Wieting
Finck	Kaster	Price	Williams
Finnell	Kost	Rosson	Williamson
Floyd	Lemmon	Salter	Wolff

Nays—45

Agnich	Clark	Kilpatrick	Poff
Allen, John	Daniel	Kubiak	Reed
Allred	Denton	Lee	Rodriguez
Angly	Doyle	Longoria	Salem
Bass, T.	Earthman	Lovell	Sanchez
Beckham	Farenthold	Mengden	Santiesteban
Bigham	Gammage	Moore, T.	Short
Blythe	Grant	Nelms	Truan
Bowers	Hannah, John	Nugent, J.	Tupper
Calhoun	Haynes	Parker, C.	Ward
Cates	Jones, D.	Patterson	Wyatt
Christian			

Absent

Allen, Joe	Dramberger	Graves	Moreno
Bass, B.	Finney	Hale	Parker, W.
Braun	Golman	Harding	Stroud
Doran			

Absent-Excused

Atwell	Holmes, Z.	Sherman
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SB 821 ON SECOND READING
(Mr. Cavness—House Sponsor)

Mr. Cavness moved that all necessary rules be suspended to take up and consider at this time, SB 821.

(Speaker in the Chair)

The motion prevailed.

The Speaker laid before the House on its second reading and passage to third reading,

SB 821, A bill to be entitled An Act exempting Parks and Wildlife Department projects from Building Commission action; amending Section 3, Chapter 455, Acts of the 59th Legislature, 1965 (Article 678f, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time and was passed to third reading.

SB 821 ON THIRD READING

Mr. Cavness moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 821 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130

Adams	Davis, D.	Jones, G.	Presnal
Agnich	Davis, H.	Jungmichel	Price
Allen, Joe	Denton	Kaster	Rodriguez
Allen, John	Doyle	Kilpatrick	Rosson
Allred	Dramberger	Kost	Salem
Angly	Earthman	Kubiak	Salter
Atwood	Finck	Lee	Sanchez
Baker	Finnell	Lemmon	Santiesteban
Bass, B.	Finney	Lewis	Schulle
Beckham	Foreman	Ligarde	Semos
Bigham	Gammage	Lombardino	Shannon
Blanton	Garcia	Longoria	Short
Blythe	Golman	Lovell	Simmons
Bowers	Grant	McAlister	Slack
Boyle	Hale	McKissack	Slider
Braecklein	Hanna, Joe	Moncrief	Smith
Braun	Hannah, John	Moore, A.	Solomon
Burgess	Harding	Moore, G.	Spurlock
Bynum	Harris	Moore, T.	Stewart
Caldwell	Hawkins	Moreno	Swanson
Calhoun	Hawn	Nabers	Traeger
Carrillo	Haynes	Nelms	Truan
Cates	Head	Neugent, D.	Tupper
Cavness	Heatly	Newton	Uher
Christian	Hendricks	Nichols	Vale
Clark	Hilliard	Niland	Von Dohlen
Clayton	Holmes, T.	Orr	Ward
Coats	Howard	Parker, C.	Wayne
Cobb	Hubenak	Parker, W.	Wieting
Cole	Hull	Patterson	Williams
Craddick	Ingram	Pickens	Williamson
Cruz	Jones, D.	Poerner	
Daniel	Jones, E.	Poff	

Nays—7

Doran	Floyd	Mengden	Reed
Farenthold	Graves	Nugent, J.	

Present—Not Voting

Silber

Absent

Bass, T.	Murray	Stroud	Wolff
Johnson	Ogg	Tarbox	Wyatt

Absent-Excused

Atwell	Holmes, Z.	Sherman
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The Speaker then laid SB 821 before the House on third reading and final passage.

(Mr. Jim Nugent in the Chair)

The bill was read third time and was passed by the following vote:

Yeas—139

Adams	Denton	Jungmichel	Price
Agnich	Doran	Kaster	Rodriguez
Allen, John	Doyle	Kilpatrick	Rosson
Allred	Dramberger	Kubiak	Salem
Angly	Earthman	Lee	Salter
Atwood	Finck	Lemmon	Sanchez
Baker	Finnell	Lewis	Santiesteban
Bass, B.	Finney	Ligarde	Schulle
Bass, T.	Floyd	Lombardino	Semos
Beckham	Foreman	Longoria	Shannon
Bigham	Gammage	Lovell	Short
Blanton	Garcia	McAlister	Simmons
Blythe	Golman	McKissack	Slack
Bowers	Grant	Mengden	Slider
Boyle	Graves	Moncrief	Smith
Braecklein	Hale	Moore, A.	Solomon
Braun	Hanna, Joe	Moore, G.	Spurlock
Burgess	Hannah, John	Moore, T.	Stewart
Bynum	Harding	Moreno	Stroud
Caldwell	Hawkins	Murray	Swanson
Calhoun	Hawn	Nabers	Tarbox
Carrillo	Haynes	Nelms	Traeger
Cates	Head	Neugent, D.	Truan
Cavness	Heatly	Newton	Tupper
Christian	Hendricks	Nichols	Uher
Clark	Hilliard	Niland	Vale
Clayton	Holmes, T.	Nugent, J.	Von Dohlen
Coats	Howard	Ogg	Ward
Cobb	Hubenak	Orr	Wayne
Cole	Hull	Parker, C.	Wieting
Craddick	Ingram	Parker, W.	Williams
Cruz	Johnson	Pickens	Williamson
Daniel	Jones, D.	Poerner	Wolff
Davis, D.	Jones, E.	Poff	Wyatt
Davis, H.	Jones, G.	Presnal	

Nays—4

Allen, Joe	Farenthold	Harris	Reed
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Present—Not Voting

Silber

Absent

Kost	Patterson
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Absent-Excused

Atwell	Holmes, Z.	Sherman
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Mr. Cavness moved to reconsider the vote by which SB 821 was passed and to table the motion to reconsider.

The motion to table prevailed.

REASON FOR VOTES

I voted Present—Not Voting on all votes on SB 821 because it affects engineering and I am a professional engineer.

Signed: Silber

SB 99 ON SECOND READING (Mr. Joe Hanna—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 99, Prescribing certain duties of clerks of courts of civil appeals with reference to the filing, etc., of the records and proceedings of the court in connection with a case which has been fully disposed of for 10 years.

The bill was read second time.

Mr. Tom Moore offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 99 by deleting the period after the word "therewith" in the 1st paragraph of page 2 and adding the following:

"except indexes, original opinions, and records of the minutes".

The committee amendment was adopted without objection.

SB 99, as amended, was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 99.

SB 972 ON SECOND READING (Mr. Swanson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 972, Relating to the transfer of all funds left in any private financial institutions by the Texas State Board of Examiners in Optometry to the Texas Optometry Board.

The bill was read second time and was passed to third reading.

SB 860 ON SECOND READING (Mr. Hale—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 860, Prescribing procedures whereby school districts may issue and deliver Certificates of Indebtedness for certain school building or refunding purposes.

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend SB 860 by deleting therefrom all of Section 1 and substituting in lieu thereof the following:

"Sec. 1. Any school district, including a junior college district, situated in a county containing a population of two hundred thousand or more, according to the last preceding federal census, may issue interest bearing Certificates of Indebtedness for the purpose of (1) providing funds for the erection and equipment of school buildings within the boundaries of the district or (2) refinancing outstanding certificates as herein provided. The term certificates, as used in this Act, shall include all obligations authorized to be issued hereunder and the term shall include interest thereon, unless clearly indicated by the context that another meaning is intended.

The amendment was adopted without objection.

SB 860, as amended, was passed to third reading.

VOTES RECORDED

Representatives Kubiak, Lee, Spurlock, Mendgen, and Bowers requested to be recorded as voting Nay on the passage to third reading of SB 860.

SB 886 ON SECOND READING (Mr. Santiesteban—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 886, Changing the term of office of the Rio Grande Compact Commissioner from two years to six years.

The bill was read second time and was passed to third reading.

SB 559 ON SECOND READING (Mr. Swanson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 559, Allowing a person who has filed a declaration of intention to become a citizen of the United States to be eligible for a license to practice optometry under certain circumstances.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Christian and Poff requested to be recorded as voting Nay on the passage to third reading of SB 559.

SB 991 ON SECOND READING
(Mr. Wieting—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 991, Relating to the interest rate on bonds of the San Patricio Municipal Water District.

The bill was read second time.

Mr. Baker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 991, as introduced, as follows:

(1) Delete the phrase "ten (10%)" on page 1 and on page 2 and insert the phrase "eight (8%)".

The committee amendment was adopted without objection.

SB 991, as amended, was passed to third reading.

VOTES RECORDED

Representatives Kubiak and Braun requested to be recorded as voting Nay on the passage to third reading of SB 991.

SB 331 ON SECOND READING
(Mr. Salem—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 331, Relating to requiring the wearing of life preserving devices for certain minor passengers of prescribed motorboats.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Adams and Burgess requested to be recorded as voting Nay on the passage to third reading of SB 331.

SB 905 ON SECOND READING
(Mr. Schulle—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 905, Relating to an increased maintenance tax in certain school districts.

The bill was read second time and was passed to third reading.

SB 737 ON SECOND READING
(Mr. Kaster—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 737, Relating to the issuance of time warrants by certain independent school districts.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Spurlock requested to be recorded as voting Nay on the passage to third reading of SB 737.

SB 963 ON SECOND READING
(Mr. Santiesteban—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 963, Relating to the authority of the Tribal Council of the Tigua Indian Community to issue revenue bonds and other evidences of indebtedness and to dispose of certain revenue.

The bill was read second time and was passed to third reading.

SB 144 ON SECOND READING
(Mr. Rosson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 144, Requiring social security numbers on applications and bonds for notaries public.

The bill was read second time and was passed to third reading.

SB 896 ON SECOND READING
(Mr. Nichols—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 896, Creating the separate office of registrar of voters in certain counties.

The bill was read second time.

Mr. Graves and Mr. Hawkins offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 896 by striking the words "there is created the separate

office of registrar of voters," on the third line of Subdivision 1, in "41b" on the first page of the bill and substituting in lieu the following:

"there may be created at the discretion of the commissioners court the separate office of registrar of voters."

The committee amendment was adopted without objection.

Mr. Graves offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend SB 896, first House Printing on page 3, line 24 by striking the words "If a" and substituting in lieu thereof the words "In a" and on lines 25 and 26 striking the words "falls below a population of 1,000,001 under a subsequent census."

Signed: Graves, Nichols, and Edmund Jones.

The committee amendment was adopted without objection.

Mr. Cruz offered the following amendment to the bill:

Amend SB 896, page 1, Sec. 1, Subsec. 1, line 41; Subsec. 2(a) line 48; Subsec. 2 (b) line 55 by deleting the number "1,000,000" and adding "1,500,000".

The amendment was adopted without objection.

SB 896, as amended, was passed to third reading.

VOTES RECORDED

Representatives Lee, Spurlock, Mengden, Bowers, and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 896.

SB 974 ON SECOND READING
(Mr. Wyatt—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 974, Relating to a fee payable to the county clerk in certain counties for the administrative costs of handling temporary support orders.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Kubiak requested to be recorded as voting Nay on the passage to third reading of SB 974.

SB 487 ON SECOND READING
(Mr. Burgess—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 487, Relating to the salaries of assistants to the county school superintendent in certain counties.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Spurlock requested to be recorded as voting Nay on the passage to third reading of SB 487.

SB 494 ON SECOND READING
(Mr. Golman—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 494, Creating a Texas Advisory Commission on Intergovernmental Relations.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Adams, Nabers, and Poff requested to be recorded as voting Nay on the passage to third reading of SB 494.

SB 756 ON SECOND READING
(Mr. Harold Davis—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 756, Eliminating the requirement for a bidder's affidavit and requiring a bidder's certificate on each bid certifying that the bidder has not violated the antitrust laws of either Texas or the federal government.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Adams requested to be recorded as voting Nay on the passage to third reading of SB 756.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 191, By Murray: Granting permission to Mrs. Quatha Kirkpatrick to sue the State of Texas, the Texas Department of Mental Health and Mental Retardation, and the Texas Department of Corrections.

HB 1124, By Daniel: Relating to the use of certain types of firearms

in Liberty and Chambers Counties; providing penalties; and declaring an emergency.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 672 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 672, Relating to the authority of the district clerk to withhold certain names drawn from the jury wheel in certain counties.

The bill was read second time.

Mr. Carl Parker offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend Section 1, SB 672, first House printing, as follows:

At line 44, delete the balance of the sentence following the semicolon and insert in lieu thereof the following:

"Provided that in any county with a population greater than 100,000 according to the last preceding federal census, the clerk may withhold from the jury wheel all cards so selected, unless ordered by the judge to return such cards to the wheel."

The committee amendment was adopted without objection.

SB 672, as amended, was passed to third reading.

SB 392 ON SECOND READING
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 392, Prohibiting the possession of certain paraphernalia for injecting dangerous drugs, with exceptions and limitations.

The bill was read second time and was passed to third reading.

SB 238 ON SECOND READING
(Mr. Wyatt—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 238, Relating to the definition of organized volunteer fire departments.

The bill was read second time and was passed to third reading.

SB 728 ON SECOND READING
(Mr. Slider—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 728, Making the possession of an illegally killed game bird or game animal a violation.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Kubiak, Nabers, and Poff requested to be recorded as voting Nay on the passage to third reading of SB 728.

SB 420 ON SECOND READING
(Mr. Johnson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 420, Relating to the registration of antique trucks.

The bill was read second time and was passed to third reading.

SB 981 ON SECOND READING
(Mr. Caldwell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 981, Relating to obtaining and maintaining historical landmarks in certain counties.

The bill was read second time and was passed to third reading.

SB 980 ON SECOND READING
(Mr. Caldwell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 980, Relating to biennial independent audits in certain counties.

The bill was read second time and was passed to third reading.

SB 935 ON SECOND READING
(Mr. Wayne—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 935, Amending SB 183, Regular Session, 62nd Legislature to clarify and exempt television installations in remote television transmission trucks.

The bill was read second time and was passed to third reading.

COMMITTEE MEETING

Mr. Blanton asked unanimous consent of the House that the Committee on Resolutions and Interim Activities be permitted to meet at this time.

There was no objection offered.

SB 552 ON SECOND READING
(Mr. Spurlock—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 552, Relating to improvements to water and sewer systems in certain cities.

The bill was read second time.

Mr. Spurlock offered the following amendment to the bill:

Amend SB 552 by renumbering "Section 3" on Page 2 to be "Section 4", and adding a new "Section 3" at Line 27, Page 2 as follows: As used in this Act, "the last preceding federal census" means the 1970 census or any future decennial federal census. This is despite any legislation that has been or may be enacted during any session of the 62nd Legislature delaying the effectiveness of the 1970 census for general state and local governmental purposes.

The amendment was adopted without objection.

SB 552, as amended, was passed to third reading.

SB 143 ON SECOND READING
(Mr. Rosson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 143, Including a space for social security numbers on application forms for marriage licenses.

The bill was read second time and was passed to third reading.

SB 975 ON SECOND READING
(Mr. Finnell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 975, Relating to reductions in the salaries of certain public employees for the purpose of effectuating annuity purchase agreements.

The bill was read second time and was passed to third reading.

SB 883 ON SECOND READING
(Mr. Salter—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 883, Relating to the seizure of certain personal property used to make obscene material, etc.

The bill was read second time and was passed to third reading.

SB 800 ON SECOND READING
(Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 800, Relating to pollution control, sewage disposal, and preservation of natural resources by the Lower Colorado River Authority.

The bill was read second time and was passed to third reading.

SB 926 ON SECOND READING
(Mr. Slack—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 926, Validating cash notes issued by commissioners courts in certain counties.

The bill was read second time and was passed to third reading.

SB 813 ON SECOND READING
(Mr. Harris—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 813, Relating to contracts between certain political subdivisions of this state for the performance of governmental services.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Lee, Mengden, and Bowers requested to be recorded as voting Nay on the passage to third reading of SB 813.

SB 422 ON SECOND READING
(Mr. Lemmon—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 422, Relating to the tax lien for the admissions tax.

The bill was read second time.

Mr. Lemmon offered the following amendment to the bill:

Amend SB 422, Second Printing, Sec. 2, line 32, delete the words "and used by"

The amendment was adopted without objection.

SB 422, as amended, was passed to third reading.

SB 1007 ON SECOND READING
(Mr. Clayton—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1007, Relating to the immunization of children admitted to child caring institutions and facilities.

The bill was read second time and was passed to third reading.

SB 1009 ON SECOND READING
(Mr. Jungmichel—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1009, Authorizing the Texas Department of Agriculture to receive and hold for processing export-import livestock or other animals.

The bill was read second time and was passed to third reading.

SB 734 ON SECOND READING
(Mr. Niland—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 734, Relating to the compensation of the District Attorney and his assistants of the 34th District.

The bill was read second time.

Mr. Adams offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 734, Section 1, by adding the words "not more than" between the words "at" and "eighteen", and by adding the words "not more than" between the words "at" and "twenty".

The committee amendment was adopted without objection.

SB 734, as amended, was passed to third reading.

VOTE RECORDED

Mr. Spurlock requested to be recorded as voting Nay on the passage to third reading of SB 734.

SB 240 ON SECOND READING
(Mr. Hale—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 240, Providing for judicial jurisdiction in eminent domain cases.

The bill was read second time.

Mr. Hale offered the following amendments to the bill:

Amend SB 240 by striking all below the enacting clause and substituting the following:

Section 1. The district courts of all counties in the state shall have jurisdiction concurrent with the county courts at law in eminent domain cases. The county courts shall have no jurisdiction in eminent domain cases.

Sec. 2. In all counties in which there is no county court at law with jurisdiction of eminent domain cases, the party desiring to initiate condemnation proceedings shall file its petition with the district judge; and objections to the award of the special commissioners shall be filed in the district court.

Sec. 3. In all counties in which there is one or more county courts at law with jurisdiction in eminent domain cases, the party desiring to initiate condemnation proceedings shall, except where otherwise specifically provided by law, file its petition with the judge of the county court at law; and objections to the award of the special commissioners shall be filed in that county court at law.

Sec. 4. In any eminent domain case pending in the county court at law, whenever the judge of the court determines that the controversy involves a genuine issue of title or any other matter which cannot be fully adjudicated in the county court at law, he shall transfer the case to the district court.

Sec. 5. This Act shall not be construed to alter the provisions of Article 3266, Revised Civil Statutes of Texas, 1925, as amended, except that the court in which a petition is filed to initiate condemnation proceedings, under the provisions of this Act, shall appoint the special commissioners.

Sec. 6. The provisions of this Act shall not apply to any proceeding pending on the effective date of this Act.

Sec. 7. Article 1960, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 1960. Changed jurisdiction; eminent domain.

"Where the jurisdiction of a county court has been taken away, altered or changed by existing laws, the jurisdiction shall remain as established, until otherwise provided by law. The county courts shall have no jurisdiction in eminent domain cases."

Sec. 8. The importance of this legislation and the crowded condition of

the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amend SB 240 by striking all above the enacting clause and substituting the following:

A bill to be entitled An Act relating to jurisdiction of eminent domain cases and proceedings; amending Article 1960, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

The amendments were severally adopted without objection.

SB 240, as amended, was passed to third reading.

SB 132 ON SECOND READING
(Mr. Hale—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 132, Relating to contempt punishments in certain cases.

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend SB 132 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Inherent Power and Authority of Courts. A court possesses inherently all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders, including authority to issue such writs and orders as may be necessary or proper in aid of its jurisdiction. It has the duty to require that proceedings shall be conducted with dignity and in an orderly and expeditious manner and to so control the proceedings that justice is done. A court has the power to punish for contempt.

Sec. 2. Penalties for Contempt. (a) Every court other than a justice court or municipal court may punish by a fine of not more than \$500, or by confinement in the county jail for not more than six months, or both, any person guilty of contempt of the court;

(b) A justice court or municipal court may punish by a fine of not more than \$200, or by confinement in the county or city jail for not more than 20 days, or both, any person guilty of contempt of the court;

(c) Provided, however, an officer of a court held in contempt by a trial court, shall, upon proper motion filed in the offended court, be released upon his own personal recognizance pending a determination of his guilt or innocence by a judge of a district court, other than the offended court. Said judge to be appointed for that purpose by the presiding judge of the Administrative Judicial District wherein the alleged contempt occurred.

Sec. 3. Confinement to Enforce Order. Nothing in this Act affects a

court's power to confine a contemner in order to compel him to obey a court order.

Sec. 4. Article 2386, Revised Civil Statutes of Texas, 1925, is amended to read as follows:

"Article 2386. Other Powers. Justices of the peace shall also have power:

"1. To issue writs of attachment, garnishment and sequestration within their jurisdiction, the same as judges and clerks of the district and county courts.

"2. To exercise jurisdiction over all other matters not hereinbefore enumerated that are or may be cognizable before a justice of the peace under any law of this State.

"3. To proceed with all unfinished business of his office in like manner as if such business had been originally commenced before him."

Sec. 5. Article 45.12, Code of Criminal Procedure, 1965, is amended to read as follows:

"Article 45.12. Contempt and Bail

"The recorder shall have power to admit to bail, and to forfeit bonds under such rules as govern such taking and forfeiture in the county court."

Sec. 6. Articles 1736, 1826, 1911, and 1955, Revised Civil Statutes of Texas, 1925, are repealed. Section 2, Article 4.04, Code of Criminal Procedure, 1965, is repealed.

Sec. 7. Emergency. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted without objection.

SB 132, as amended, was passed to third reading.

VOTE RECORDED

Mr. Poff requested to be recorded as voting Nay on the passage to third reading of SB 132.

SB 516 ON SECOND READING (Mr. Finnell—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 516, Relating to use of certain vehicles on public highways and exempting certain farm equipment from bonding requirements.

The bill was read second time and was passed to third reading.

SB 343 ON SECOND READING
(Mr. Calhoun—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 343, Providing for the taking of written and oral depositions in matters pending before the Railroad Commission of Texas.

The bill was read second time and was passed to third reading.

SB 66 ON SECOND READING
(Mr. Wolff—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 66, Relating to the practice of law and allowing law students of law schools approved by the Supreme Court of Texas to assist licensed attorneys in the trial of some cases.

The bill was read second time.

Mr. Ogg offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SB 66, First Printing, so that the first paragraph of the quoted Section 3 shall read as follows:

"Sec. 3. All persons who are now or who shall hereafter be licensed to practice law in this state shall constitute and be members of the State Bar, and shall be subject to the provisions hereof and the rules adopted by the Supreme Court of Texas; and all persons not members of the State Bar are hereby prohibited from practicing law in this state except as provided below. A bona fide law student attending a law school approved by the Supreme Court of Texas who has completed two-thirds of the required curriculum for graduation as computed on an hourly basis, may, with the consent of the presiding judge, assist licensed attorneys in the trial of cases. His participation in the trial of cases shall be governed by rules and regulations promulgated by a joint committee composed of five members of the State Bar designated by the president of such bar and four members of the State Junior Bar designated by the president of such bar. The presiding officer of the point committee shall be chosen by the committee members from the members designated by the State Bar. All rules and regulations promulgated by the joint committee shall be subject to approval by the Supreme Court of Texas, but shall contain at least the following minimum requirements: (1) that a qualified law student may file instruments and motions and handle other routine matters before any court or administrative body of this state;

(2) that a qualified law student may make an appearance for the purpose of trial and the arguing of motions, provided that he is accompanied at such appearance by an attorney licensed to practice law in this state, in all courts of this state except the following: county courts, county courts at law, both civil and criminal, district courts, other courts exercising jurisdiction over matters normally within the jurisdiction of dis-

strict courts, and all appellate courts; and (3) that a qualified law student may not appear in or conduct any contested hearing or trial, before any administrative tribunal or in any of the courts, unless accompanied at such appearance by an attorney licensed to practice law in this state

Mr. Salter offered the following amendments to Committee Amendment No. 1:

Amend Committee Amendment No. 1 to SB 66 by placing the words "which shall be" between the words "regulations" and "promulgated" in Section 3 and by placing the words "within 90 days after this Act becomes law" between the words "promulgated" and "by" in Section 3.

Amend Committee Amendment No. 1 to SB 66 by placing a semicolon after the word "state" and before the word "except" in Section 3 (2) and deleting all of the words after the subject semicolon through the words "all appellate courts" in Section 3(2).

The amendments were severally adopted without objection.

Committee Amendment No. 1, as amended, was adopted without objection.

SB 66, as amended, was passed to third reading.

VOTES RECORDED

Representatives Kubiak, Slider, Doyle, Poff, and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 66.

SB 1031 ON SECOND READING (Mr. Burgess—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1031, Providing for a minimum brucellosis blood test and an alternate bovine brucellosis test for dairy cattle.

The bill was read second time and was passed to third reading.

SB 468 ON SECOND READING (Mr. Cavness—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 468, Relating to members of the Hospital Advisory Council.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Mengden and Poff requested to be recorded as voting Nay on the passage to third reading of SB 468.

SB 554 ON SECOND READING
(Mr. Lemmon—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 554, Providing for the lump sum payment upon termination of service of a portion of the accumulated sick leave and vacation leave of firemen and policemen in certain cities.

The bill was read second time.

Mr. Stewart offered the following amendment to the bill:

Amend SB 554, Second Printing, by striking "one million, two hundred thousand (1,200,000)" and substituting "ten thousand (10,000)" on lines 36, 37, 49, and 50, page 1.

Mr. Lemmon moved to table the above amendment.

The motion to table prevailed.

SB 554 was passed to third reading.

VOTES RECORDED

Representatives Slider and Clayton requested to be recorded as voting Nay on the passage to third reading of SB 554.

SB 1027 ON SECOND READING
(Mr. Rosson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 1027, Removing the restrictions prohibiting the use of money received from taxation, etc., to acquire land for public parks and recreational facilities.

The bill was read second time and was passed to third reading.

SB 507 ON SECOND READING
(Mr. Hale—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 507, Relating to the concurrent jurisdiction of statutory courts exercising civil jurisdiction corresponding to the constitutional civil jurisdiction of county courts.

The bill was read second time.

Mr. Hale offered the following amendment to the bill:

Amend SB 507, Section 1, in the quoted Article 1970a by deleting the words and figures "Ten Thousand Dollars (\$10,000)" and substituting in lieu thereof the words and figures "Five Thousand Dollars (\$5,000.00)."

The amendment was adopted without objection.

SB 507, as amended, was passed to third reading.

SB 126 ON SECOND READING
(Mr. Rosson—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 126, Repealing the requirement that a county judge assesses certain fees.

The bill was read second time and was passed to third reading.

SB 264 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 264, Extending the benefits of workmen's compensation to employees of certain drainage districts.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Lee, Mengden, Bowers, Joe Hanna, Slider, Grant Jones, Jungmichel, Craddick, Clayton, and Wieting requested to be recorded as voting Nay on the passage to third reading of SB 264.

SB 364 ON SECOND READING
(Mr. Carl Parker—House Sponsor)

The Chair laid before the House on its second reading and passage to third reading,

SB 364, Extending benefits of workmen's compensation to employees of certain counties.

The bill was read second time and was passed to third reading.

VOTES RECORDED

Representatives Adams, Mengden, Lee, Bowers, Slider, Ward, Jungmichel, Craddick, Clayton, and Wieting requested to be recorded as voting Nay on the passage to third reading of SB 364.

(Speaker in the Chair)

HSR 673—REFERRED TO COMMITTEE

(Creating a special interim Committee to Study the Safety-Responsibility Law in Texas.)

Mr. Heatly offered the following resolution:

HSR 673

Whereas, The large number of uninsured motorists on highways and streets is an issue of increasing concern to the people of Texas; and

Whereas, The recent Supreme Court decision rendering unconstitutional certain aspects of a state safety-responsibility act, similar to the Texas Motor Vehicle Safety-Responsibility Act, necessitates the formulation and implementation of new laws to ensure that public welfare and safety is protected; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature create a special interim committee to study the Safety-Responsibility Law in Texas and to study and review similar legislation in other states for the purpose of seeking methods of modifying or changing present laws so as to ensure the financial responsibility of drivers on Texas highways and streets; and, be it further

Resolved, That the committee shall be composed of five Members of the House of Representatives, all to be appointed by the Speaker of the House, who shall also appoint the committee chairman; and, be it further

Resolved, That actual expenses of members of the committee and other expenses of operation in connection with committee activities shall be paid from the Expense Fund of the House of Representatives; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval on nonbudgeted expenses must also be obtained from the House Administration Committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to assist the committee in this study; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations, with drafts of any proposed legislation, to the 63rd Legislature at its regular session in January, 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolution and Interim Activities.

HSR 674—REFERRED TO COMMITTEE

(Creating a new interim House Agriculture Export Committee)

Mr. Heatly offered the following resolution:

HSR 674

Whereas, The House of Representatives of the 61st Legislature, during its Regular Session, adopted HSR 44, creating an interim committee to study the exportation of Texas agricultural and livestock products, with

a view toward ensuring that the producers of these valuable resources receive the maximum benefit; and

Whereas, There was not sufficient time during the busy interim following the adjournment of the 61st Legislature to give this vital matter the attention it deserves; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, That the Speaker of the House of Representatives appoint a new interim House Agricultural Export Committee, consisting of three Members of the House of Representatives and three persons from the public at large; and, be it further

Resolved, That the Speaker of the House of Representatives designate the chairman of the committee and that the committee elect its other officers; and, be it further

Resolved, That the committee study the laws relating to agriculture and livestock and receive testimony of farmers and ranchers and others interested in agriculture, to determine whether or not legislative action is needed to improve the well-being of farmers and ranchers in such a way that the people as a whole will benefit; and, be it further

Resolved, That any appropriate agency of the State of Texas as requested provide the committee with staff and assistance; and, be it further

Resolved, That the actual and necessary expenses of the committee, including legislative and public members, and other necessary expenses of the committee shall be paid from the Expense Fund of the House of Representatives; that the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That this committee shall make its complete report, including findings and recommendations, with drafts of any proposed legislation, to the 63rd Legislature at its regular session in January, 1973, and that five copies of the completed study shall be filed in the Legislative Reference Library and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 675—REFERRED TO COMMITTEE

(Creating a special interim committee to study how state financial aid to private institutions of higher learning or students in such institutions is allocated in other states)

Mr. Cates offered the following resolution:

HSR 675

Whereas, Rising costs in general have brought about rising tuition

costs in private institutions of higher learning, so that proportionately fewer students are able to attend the private colleges and universities of their choice; and

Whereas, This and other factors threaten the very existence of private institutions of higher learning in Texas and across the nation; and

Whereas, Several pieces of legislation to alleviate this situation have been considered during the current Regular Session of the 62nd Legislature, but there has not been sufficient opportunity to arrive at a comprehensive program of state aid to private colleges and universities or to students attending such institutions; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas create a special interim committee to study how state financial aid to private institutions of higher learning or students in such institutions is allocated in other states and how it might be allocated in this state; and, be it further

Resolved, That the committee shall consist of five Members of the House of Representatives, to be appointed by the Speaker of the House, who shall also designate the chairman of the committee; and, be it further

Resolved, That the committee may call upon the Coordinating Board, Texas College and University System, or any other state department or agency as the committee deems necessary and advisable for assistance in this study; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to furnish assistance to the committee in its study; and, be it further

Resolved, That the actual and other necessary expenses of the committee shall be paid from the Expense Fund of the House of Representatives; that the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures shall be obtained from the House Administration Committee; and, be it further

Resolved, That the interim study committee shall make its complete report, including findings and recommendations, together with drafts of any proposed legislation, to the 63rd Legislature at its regular session in January 1973, and that five copies of the report shall be filed in the Legislative Reference Library, and five copies filed in the office of the Texas Legislative Council. Following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

HSR 676—REFERRED TO COMMITTEE

(Creating an interim study committee on the practice of barbering)

Mr. Golman offered the following resolution:

HSR 676

Whereas, The public health of the citizens of the state demands that continuous efforts be made to improve the services provided by other persons in private business; and

Whereas, There is a need to study the practice of barbering to determine its needs, problems, and the adequacy of present regulations governing it; now, therefore, be it

Resolved by the House of Representatives of the 62nd Legislature, That there is hereby created an interim study committee on the practice of barbering; and, be it further

Resolved, That the committee shall study and investigate (1) the needs, problems, and adequacy of present regulations governing the practice of barbering, and (2) the status of the barber schools in the state and possible methods of improving their operations; and, be it further

Resolved, That the Speaker of the House shall appoint five Members of the House of Representatives, including one designated as chairman, to serve on the interim study committee; and, be it further

Resolved, That the staff of the Texas Legislative Council be requested to serve as staff for the study committee; and, be it further

Resolved, That the operating expenses of the committee shall be paid from the Expense Fund of the House of Representatives, and that committee members shall be reimbursed for their actual expenses incurred in carrying out the provisions of this resolution; the committee shall prepare a budget for its operating expenses, which shall be submitted to the House Administration Committee, and no expenditures shall be made until the budget has been approved. Prior approval of nonbudgeted expenditures must also be obtained from the House Administration Committee; and, be it further

Resolved, That the committee shall make its complete report, including findings and recommendations and drafts of any legislation deemed necessary, to the 63rd Legislature when it convenes in January, 1973. Five copies of the completed report shall be filed in the Legislative Reference Library and five copies shall be filed in the office of the Texas Legislative Council; following official distribution of the committee report, all remaining copies shall be deposited with the Legislative Reference Librarian.

The resolution was referred to the Committee on Resolutions and Interim Activities.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report on HB 750 by the following vote: 31 Yeas, 0 Nays.

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 1504, By Rodriguez: Relating to the submission of false credit information to or by a credit reporting bureau; and declaring an emergency.

HB 1564, By Golman: Relating to defining certain deceptive practices in the conduct of any trade or commerce, by adding Subsection (17) which makes basing a charge for the repair of an item in whole or in part upon a guarantee or warranty a deceptive trade practice; and declaring an emergency. (with amendments)

HB 1584, By Golman: Relating to defining certain deceptive practices in the conduct of any trade or commerce, by amending Subsection (12); and declaring an emergency. (with amendments)

HCR 193, By Tarbox: Recognizing the accomplishments of Dr. J. William Davis for his service to Texas Tech University and congratulating him on his life-long career of achievement.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

HSR 642—ADOPTED

(Congratulating Representative and Mrs. Johnny Nelms on their wedding anniversary)

Mr. Clark offered the following resolution:

HSR 642

Whereas, May 31, 1971, marks the 17th wedding anniversary of Representative and Mrs. Johnny Nelms; and

Whereas, During their Houston courtship, Johnny often serenaded the lovely former Miss Bettie Louise Gordon, a native Houstonian, and his melodious voice, combined with his captivating personality, moved this attractive young lady to unite with him in the bonds of matrimony on May 31, 1954; and

Whereas, Bettie and Johnny have a close and loving family life and can take great pride in their charming seven-year-old daughter Renee, who promises to be every bit the lovely lady her mother is; and

Whereas, Representative Nelms, when he has time away from his legislative duties, attends to his successful insurance business; and

Whereas, He is also an accomplished country and western singer, guitarist, and composer, and his patriotic record, "The Ballad of Lieutenant Calley," is currently a pick hit; and

Whereas, Bettie assisted him as manager of his 1970 campaign, when he was elected to the Legislature as State Representative from Pasadena, and it is appropriate that they celebrate their wedding anniversary in

Austin on this, the last day of the Regular Session of the 62nd Legislature, one of the highlights of their married life; now, therefore, be it

Resolved, That the House of Representatives of the 62nd Legislature of the State of Texas congratulate a distinguished colleague, Johnny Nelms, and his gracious wife Bettie on the occasion of their 17th wedding anniversary and extend the good wishes of the Members of this House for many more years of happiness together; and, be it further

Resolved, That a copy of this resolution, under the Seal of the Texas House of Representatives, be prepared for them as an expression of the affection and esteem of the House for Bettie and Johnny Nelms.

The resolution was read and was adopted unanimously.

On motion of Mr. Longoria and Mr. Ogg, the names of all the Members of the House were added to the resolution as signers thereof.

MOTION TO PLACE
SB 608 ON SECOND READING
(Mr. Nichols—House Sponsor)

Mr. Nichols moved that all necessary rules be suspended to take up and consider at this time, SB 608.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—69

Allen, Joe	Finney	Kubiak	Sanchez
Allred	Foreman	Ligarde	Santiesteban
Bass, B.	Gammage	Lombardino	Schulle
Bass, T.	Golman	Longoria	Shannon
Beckham	Grant	Moncrief	Silber
Bigham	Graves	Moore, A.	Smith
Blythe	Hannah, John	Moore, T.	Spurlock
Boyle	Harris	Moreno	Stroud
Braun	Haynes	Murray	Swanson
Caldwell	Head	Nelms	Traeger
Carrillo	Hendricks	Neugent, D.	Truan
Clark	Hubenak	Newton	Tupper
Coats	Johnson	Nichols	Vale
Cole	Jones, D.	Ogg	Wieting
Daniel	Jungmichel	Poff	Williams
Denton	Kaster	Reed	Wolff
Farenthold	Kilpatrick	Rodriguez	Wyatt
Finnell			

Nays—60

Adams	Blanton	Cates	Davis, D.
Agnich	Bowers	Cavness	Davis, H.
Allen, John	Braecklein	Christian	Dramberger
Angly	Burgess	Clayton	Earthman
Atwood	Bynum	Cobb	Finck
Baker	Calhoun	Craddick	Floyd

Garcia	Jones, G.	Patterson	Short
Hale	Kost	Pickens	Simmons
Hanna, Joe	Lee	Poerner	Slack
Hilliard	Lewis	Presnal	Slider
Holmes, T.	Mengden	Price	Solomon
Howard	Moore, G.	Rosson	Tarbox
Hull	Nabers	Salem	Uher
Ingram	Niland	Salter	Ward
Jones, E.	Nugent, J.	Semos	Wayne

Present—Not Voting

Orr

Absent

Cruz	Hawkins	Lovell	Parker, W.
Doran	Hawn	McAlister	Stewart
Doyle	Heatly	McKissack	Von Dohlen
Harding	Lemmon	Parker, C.	Williamson

Absent-Excused

Atwell	Holmes, Z.	Sherman
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BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and resolutions:

HB 66, Providing that the Red Cross, etc., may be designated as official disaster and defense relief agents in times of emergency.

HB 267, Making the offer to sell or deliver a dangerous drug a felony.

HB 268, Making the offer to sell a narcotic drug a felony.

HB 322, Relating to permits issued by the Texas Air Control Board for construction or operation of new facilities or modifications of existing facilities in this state.

HB 333, Providing for the regulation of proprietary business, technical, vocational and home study schools.

HB 474, Relating to the governance, operation, etc., of The University of Texas System and the component institutions of The University of Texas System.

HB 655, Including Concho County within the provisions of the Uniform Wildlife Regulatory Act.

HB 680, Relating to the cancellation of contracts between agents and insurance companies writing fire and casualty insurance, etc.

HB 930, Relating to competitive bidding on certain contracts involving political subdivisions.

HB 979, Relating to the organization of a six-member Parks and Wildlife Commission.

HB 988, Relating to the creation, establishment, etc., of the Bandera County River Authority.

HB 1213, Relating to the appointment of the county auditor in certain counties.

HB 1273, Relating to revocation of certificates of authority to transact business held by alien insurance companies.

HB 1459, Relating to the composition of administrative judicial districts.

HB 1482, Relating to the regulation of the fitting and dispensing of hearing aids and the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids.

HB 1674, Relating to time for payment and the requirement of a surety bond to secure payment by distributors for cigarette stamps and meter settings.

HB 1680, Relating to the salary of the Criminal District Attorney of Upshur County and his assistants.

HB 1733, Relating to the method, number, and seasons for taking shrimp from that part of Lake Sabine that is in Orange County.

HB 1765, Creating Tiger Lake Utility District of Orange County.

HB 1774, Creating Windfern Forest Utility District of Harris County.

HB 1848, Providing for the creation of Concho County Hospital District over all of Concho County.

HB 1888, Relating to the composition of the 198th Judicial District.

HCR 32, Granting R. K. Field permission to sue the state.

HCR 104, Granting Doyle H. Gaither, Charles C. Gaither, and Doyle H. Gaither, Trustee, permission to sue the state.

HCR 122, Creating an interim committee to study junior colleges and technical institutes.

HCR 184, Creating a special interim committee on revision of the Penal Code.

HCR 192, Commending Dr. Jack Kinney Williams.

SB 72 ON SECOND READING
(Mr. Swanson—House Sponsor)

Mr. Swanson moved that all necessary rules be suspended to take up and consider at this time, SB 72.

The motion prevailed by the following vote:

Yeas—136

Adams	Denton	Kilpatrick	Price
Agnich	Doyle	Kost	Reed
Allen, Joe	Dramberger	Kubiak	Rodriguez
Allen, John	Earthman	Lee	Rosson
Allred	Finck	Lemmon	Salem
Angly	Finnell	Lewis	Salter
Atwood	Finney	Ligarde	Sanchez
Baker	Foreman	Lombardino	Santiesteban
Bass, B.	Gammage	Longoria	Schulle
Bass, T.	Garcia	Lovell	Semos
Beckham	Golman	McAlister	Shannon
Bigham	Grant	McKissack	Short
Blanton	Graves	Mengden	Silber
Blythe	Hale	Moore, A.	Simmons
Bowers	Hanna, Joe	Moore, G.	Slack
Boyle	Hannah, John	Moore, T.	Slider
Braecklein	Harris	Moreno	Solomon
Braun	Hawkins	Murray	Spurlock
Burgess	Hawn	Nabers	Stewart
Bynum	Haynes	Nelms	Stroud
Caldwell	Head	Neugent, D.	Swanson
Calhoun	Heatly	Newton	Traeger
Carrillo	Hendricks	Nichols	Truan
Cates	Hilliard	Niland	Tupper
Cavness	Holmes, T.	Nugent, J.	Uher
Christian	Howard	Ogg	Vale
Clark	Hubenak	Orr	Von Dohlen
Clayton	Hull	Parker, C.	Ward
Coats	Ingram	Parker, W.	Wayne
Cobb	Johnson	Patterson	Wieting
Cole	Jones, D.	Pickens	Williams
Craddick	Jones, E.	Poerner	Williamson
Daniel	Jungmichel	Poff	Wolff
Davis, H.	Kaster	Presnal	Wyatt

Nays—2

Doran Floyd

Absent

Cruz	Farenthold	Jones, G.	Smith
Davis, D.	Harding	Moncrief	Tarbox

Absent-Excused

Atwell Holmes, Z. Sherman

The Speaker laid before the House on its second reading and passage to third reading,

SB 72, A bill to be entitled An Act relating to the appointment, powers, and duties of certain reserve law-enforcement officers; and declaring an emergency.

The bill was read second time.

Mr. Hawn offered the following committee amendments to the bill:

Committee Amendment No. 1

Amend Section 3(c) of SB 72 to read as follows:

"(c) No person appointed to the police reserve force may carry a weapon or otherwise act as a peace officer until he has been approved by the governing body. After approval, he may carry a weapon only when authorized by the Chief of Police and when discharging official duties as a duly constituted peace officer."

Committee Amendment No. 2

Amend Subsection (b) of Section 2A of Section 4 of SB 72 to read as follows:

"(b) The Commission shall establish minimum physical, mental, educational and moral standards for all reserve law enforcement officers which must be met prior to the officer's being appointed as a reserve law enforcement officer."

The committee amendments were severally adopted without objection.

Mr. Hawn offered the following amendment to the bill:

Amend SB 72, First Printing, by inserting "identical to the standards established for peace officers in permanent positions" between "officers" and "which" on line 16, page 3.

The amendment was adopted without objection.

SB 72, as amended, was passed to third reading.

SB 72 ON THIRD READING

Mr. Swanson moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 72 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Adams	Braun	Davis, H.	Hawn
Agnich	Burgess	Doran	Haynes
Allen, Joe	Bynum	Dramberger	Head
Allen, John	Caldwell	Finck	Heatly
Allred	Carrillo	Finnell	Hilliard
Angly	Cates	Finney	Holmes, T.
Atwood	Christian	Floyd	Howard
Baker	Clark	Foreman	Hubenak
Bass, B.	Clayton	Garcia	Hull
Bass, T.	Coats	Golman	Ingram
Beckham	Cobb	Grant	Johnson
Blanton	Cole	Hale	Jones, D.
Blythe	Craddick	Hanna, Joe	Jones, E.
Bowers	Cruz	Hannah, John	Jones, G.
Boyle	Daniel	Harris	Jungmichel
Braecklein	Davis, D.	Hawkins	Kaster

Kilpatrick	Nabers	Salem	Swanson
Kost	Nelms	Salter	Tarbox
Kubiak	Neugent, D.	Sanchez	Traeger
Lee	Newton	Schulle	Truan
Lemmon	Nichols	Semos	Tupper
Lewis	Niland	Shannon	Uher
Ligarde	Orr	Short	Vale
Lombardino	Parker, C.	Silber	Von Dohlen
Longoria	Parker, W.	Simmons	Ward
Lovell	Pickens	Slack	Wayne
McAlister	Poerner	Slider	Wieting
McKissack	Poff	Smith	Williams
Moncrief	Presnal	Solomon	Williamson
Moore, A.	Price	Spurlock	Wolff
Moore, G.	Reed	Stewart	Wyatt
Murray	Rosson	Stroud	

Nays—18

Bigham	Farenthold	Hendricks	Patterson
Calhoun	Gammage	Moore, T.	Rodriguez
Denton	Graves	Nugent, J.	Santiesteban
Doyle			

Absent

Cavness	Harding	Moreno	Ogg
Earthman	Mengden		

Absent-Excused

Atwell	Holmes, Z.	Sherman
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The Speaker then laid SB 72 before the House on third reading and final passage.

The bill was read third time and was passed.

On motion of Mr. Swanson, and by unanimous consent, the caption of SB 72 was ordered amended to conform with the body of the bill.

VOTE RECORDED

Mr. Calhoun requested to be recorded as voting Nay on the passage of SB 72.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after giving due notice thereof, the following enrolled bills and resolutions:

SB 473, Amending the Texas Savings and Loan Act relating to members, their voting rights, and annual audits.

SB 814, Relating to the salaries of certain officials in certain counties.

SB 1020, Creating the Walker County Hospital District.

SB 1021, Relating to the use of certain state-owned museum buildings located on certain college or university campuses.

SCR 41, Authorizing the Water Quality Board to convert Mitchell Lake in Bexar County into a public recreation lake.

SCR 86, To establish a study committee on traffic courts.

SCR 101, Creating a special interim committee on nursing homes.

SCR 103, Appointing an interim committee to investigate life insurance company insolvencies.

SCR 114, Designating the months of July, August, and September as "Keep Texas Homes Beautiful" months.

SCR 116, Creating an interim committee known as the Rio Grande River Water Study.

SCR 129, Creating an interim committee to study vacancy laws.

SCR 132, Creating an interim committee to study problems of coastal lands and waters.

SCR 133, Creating an interim committee to study the hard mineral laws of the state.

SCR 135, Creating an interim committee on state tax policy.

SB 530 ON SECOND READING

(Mr. Finnell—House Sponsor)

Mr. Finnell moved that all necessary rules be suspended to take up and consider at this time, SB 530.

The motion prevailed by the following vote:

Yeas—99

Agnich	Cole	Hawkins	Lemmon
Allred	Craddick	Hawn	Lewis
Baker	Cruz	Haynes	Ligarde
Bass, B.	Daniel	Heatly	Lombardino
Bass, T.	Davis, D.	Hilliard	Longoria
Blanton	Davis, H.	Holmes, T.	McAlister
Blythe	Dramberger	Howard	McKissack
Braecklein	Finnell	Hubenak	Moncrief
Burgess	Finney	Hull	Moore, G.
Bynum	Foreman	Johnson	Moreno
Carrillo	Gammage	Jones, D.	Nabers
Cavness	Garcia	Jones, E.	Nelms
Clark	Golman	Jungmichel	Neugent, D.
Clayton	Hale	Kaster	Newton
Coats	Hannah, John	Kilpatrick	Nichols
Cobb	Harris	Kost	Niland

Nugent, J.	Rosson	Slider	Truan
Ogg	Salem	Smith	Tupper
Orr	Salter	Solomon	Uher
Parker, W.	Sanchez	Spurlock	Ward
Pickens	Santiesteban	Stewart	Wieting
Poerner	Schulle	Stroud	Williams
Presnal	Semos	Swanson	Williamson
Price	Shannon	Tarbox	Wolff
Reed	Silber	Traeger	

Nays—87

Adams	Christian	Hanna, Joe	Patterson
Allen, Joe	Denton	Head	Poff
Allen, John	Doran	Hendricks	Rodriguez
Angly	Doyle	Kubiak	Short
Atwood	Earthman	Lee	Simmons
Bigham	Farenthold	Lovell	Von Dohlen
Bowers	Finck	Moore, A.	Wayne
Braun	Floyd	Moore, T.	
Caldwell	Grant	Murray	
Cates	Graves	Parker, C.	

Absent

Beckham	Harding	Mengden	Vale
Boyle	Ingram	Slack	Wyatt
Calhoun	Jones, G.		

Absent-Excused

Atwell	Holmes, Z.	Sherman
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(Mr. Cavness in the Chair)

The Chair laid before the House on its second reading and passage to third reading.

SB 530, A bill to be entitled An Act providing for the supplementary compensation of presiding judges of administrative judicial districts; amending Section 11, Chapter 156, Acts of the 40th Legislature, Regular Session, 1927, as added by Chapter 520, Acts of the 60th Legislature, Regular Session, 1967 (Article 200a, Vernon's Texas Civil Statutes); providing a severability clause; and declaring an emergency.

The bill was read second time.

Mr. Finnell offered the following amendment to the bill:

Amend SB 530, Second Printing, by deleting the phrase:

"less than \$3,000 nor more than \$5,000" in lines 36 and 37, and substituting in lieu thereof the phrase "to exceed \$3,000".

The amendment was adopted without objection.

SB 530, as amended, was passed to third reading by the following vote:

Yeas—100

Adams	Finnell	Ligarde	Rosson
Agnich	Finney	Lombardino	Salter
Allred	Foreman	Longoria	Santiesteban
Angly	Gammage	McAlister	Schulle
Baker	Garcia	McKissack	Semos
Bass, B.	Golman	Moncrief	Shannon
Blanton	Grant	Moore, A.	Silber
Blythe	Harris	Moore, G.	Simmons
Boyle	Hawkins	Moreno	Slack
Braecklein	Hawn	Nabers	Slider
Burgess	Haynes	Nelms	Smith
Bynum	Heatly	Neugent, D.	Solomon
Carrillo	Hilliard	Newton	Spurlock
Cates	Howard	Nichols	Stroud
Clayton	Hubenak	Niland	Tarbox
Coats	Ingram	Nugent, J.	Traeger
Cobb	Johnson	Ogg	Tupper
Cole	Jones, D.	Orr	Vale
Cruz	Jones, E.	Parker, C.	Von Dohlen
Davis, D.	Jungmichel	Parker, W.	Ward
Davis, H.	Kaster	Patterson	Wieting
Doran	Kilpatrick	Pickens	Williams
Doyle	Kost	Poerner	Williamson
Farenthold	Lemmon	Presnal	Wolff
Finck	Lewis	Price	Wyatt

Nays—40

Allen, Joe	Clark	Head	Poff
Allen, John	Craddick	Hendricks	Reed
Atwood	Daniel	Holmes, T.	Rodriguez
Bass, T.	Denton	Hull	Salem
Beckham	Dramberger	Kubiak	Sanchez
Bigham	Earthman	Lee	Short
Bowers	Floyd	Lovell	Stewart
Braun	Graves	Mengden	Truan
Caldwell	Hale	Moore, T.	Uher
Christian	Hanna, Joe	Murray	Wayne

In The Chair

Cavness

Absent

Calhoun	Harding	Jones, G.	Swanson
Hannah, John			

Absent-Excused

Atwell	Holmes, Z.	Sherman
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Mr. Finnell moved to reconsider the vote by which SB 530 was passed to third reading and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE
SB 530 ON THIRD READING

Mr. Finnell moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 530 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—77

Allred	Gammage	Ligarde	Shannon
Baker	Golman	Lombardino	Silber
Bass, B.	Hale	McAlister	Slider
Blanton	Harris	McKissack	Smith
Blythe	Hawkins	Moncrief	Solomon
Boyle	Hawn	Moore, A.	Spurlock
Braecklein	Haynes	Moore, G.	Stroud
Burgess	Heatly	Moreno	Swanson
Bynum	Hilliard	Nabers	Tarbox
Carrillo	Howard	Nelms	Tupper
Clark	Hubenak	Neugent, D.	Vale
Clayton	Johnson	Newton	Ward
Coats	Jones, D.	Orr	Wieting
Cole	Jones, E.	Parker, C.	Williams
Davis, D.	Jungmichel	Patterson	Williamson
Davis, H.	Kaster	Pickens	Wolff
Doyle	Kilpatrick	Presnal	Wyatt
Finnell	Kost	Rosson	
Finney	Lemmon	Salter	
Foreman	Lewis	Schulle	

Nays—55

Adams	Christian	Head	Price
Agnich	Craddick	Hendricks	Reed
Allen, Joe	Daniel	Holmes, T.	Rodriguez
Allen, John	Denton	Jones, G.	Salem
Angly	Doran	Kubiak	Sanchez
Atwood	Dramberger	Lee	Semos
Bass, T.	Earthman	Longoria	Short
Beckham	Farenthold	Lovell	Simmons
Bigham	Finck	Mengden	Stewart
Bowers	Floyd	Moore, T.	Traeger
Braun	Garcia	Murray	Truan
Caldwell	Grant	Nugent, J.	Uher
Calhoun	Graves	Poerner	Wayne
Cates	Hanna, Joe	Poff	

In The Chair

Cavness

Absent

Cobb	Hull	Niland	Santiesteban
Cruz	Ingram	Ogg	Slack
Hannah, John	Nichols	Parker, W.	Von Dohlen
Harding			

Absent-Excused

Atwell	Holmes, Z.	Sherman
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(Speaker in the Chair)

COMMITTEE MEETING

Mr. Carl Parker asked unanimous consent of the House that the Committee on Judicial Districts be permitted to meet at this time.

There was no objection offered.

HSR 670—REFERRED TO COMMITTEE

(Creating an interim committee to study county government)

Mr. Clayton offered the following resolution:

HSR 670

Whereas, There is an increasing need for modernization and change in the duties and powers of county government in Texas; and

Whereas, County government and the laws governing the powers, duties, and relationships of the various counties of the state and the officers and officials thereof, have been collected, enacted, and accumulated over a period of years since the adoption of the Texas Constitution in 1876; and

Whereas, The laws aforementioned are not adequate to meet the complex and changing conditions of the State of Texas, particularly in the metropolitan areas; and

Whereas, County government is badly in need of modernization and reorganization to make it more adequate and responsive to modern life and conditions; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That there is hereby created an interim committee to make a complete and thorough study of the structure and needs of county government and county officials; and, be it further

Resolved, That the County Government Study Committee be composed of nine persons knowledgeable in the area of county and local government, five of whom are to be appointed by the Speaker of the House of Representatives from among its membership, four of whom are to be appointed by the Speaker of which at least two shall be either county judges or commissioners; and, be it further

Resolved, That the committee

(1) study the role and scope of county government as it exists under the statutes at the present time;

(2) study the role and scope of county officials, their needs, duties and powers as they relate to county and state government;

(3) hold hearings throughout the state and consider problems and solutions of county government and county officials from interested legislators, citizens, and officials;

(4) gather evidence and information with a view toward reorganization and modernization of county government, the duties of county officials, and their relationships with state government;

(5) and submit its conclusions together with drafts of bills and resolutions the committee feels would best serve the interests of the State of Texas, the various counties of the state, and the county officials thereof; and, be it further

Resolved, That all departments and agencies of the State of Texas together with the Texas Research League be requested to work with the committee and its staff, providing information useful in understanding the needs of county government; and, be it further

Resolved, That the Texas Legislative Council be requested to provide the committee with staff and assistance, and that the committee may employ a full-time secretary when needed; and, be it further

Resolved, That the committee meet and organize as soon as possible after its appointment; and, be it further

Resolved, That the committee be authorized to hold such meetings as it considers necessary; summon and compel the attendance of witnesses; and the production of documents; and administer oaths and affirmations to witnesses; and, be it further

Resolved, That the members of the committee shall receive no pay for their services, but legislative Members shall receive per diem and be reimbursed for their actual and necessary expenses from the Contingent Expense Fund of the Legislature, and that other members shall be reimbursed from the Expense Fund of the Legislature for their actual and necessary expenses incurred in the performance of their duties.

The resolution was referred to the Committee on Resolutions and Interim Activities.

SCR 83—ADOPTED
(Mr. Cavness—House Sponsor)

The Speaker laid before the House the following resolution on committee report:

SCR 83, Permitting Tom I. McFarling to join in certain suits for possession of certain securities.

The resolution was adopted without objection.

SCR 126—ADOPTED
(Mr. Murray—House Sponsor)

(Authorizing corrections in HB 1657)

The Speaker laid before the House the following resolution:

SCR 126

Whereas, HB 1657, the nonsubstantive revision of the laws pertaining to higher education, has been passed by the House and the Senate and is now in the Enrolling and Engrossing Room of the House; and

Whereas, Certain changes need to be made in the bill to reflect legislation enacted during the current session; now, therefore, be it

Resolved, That the Enrolling and Engrossing Clerk of the House of Representatives be and is hereby directed to make the following changes in HB 1657:

(1) Insert "Article 1" on a line between the enacting clause and Section 1 of the bill.

(2) Add a Section 135.59 on page 278 to read as follows:

Sec. 135.59. Contracts with Baylor University. The board may enter into any contracts and agreements with Baylor University for joint participation in graduate programs that may be designed to benefit the State of Texas.

(V.A.C.S. Art. 2615f-1a, Sec. 2, subd. b.)

(3) In Section 4, on page 284 of the bill, substitute "article" for "Act".

(4) Strike Section 5 on page 284.

(5) In the caption, between "state;" and "repealing", insert "amending the code to conform to legislation enacted during the current session;".

(6) Add an Article 2, following the cross-reference table to read as follows:

Article 2

Section 1. Section 55.17, Texas Education Code, is amended by adding Subsections (e), (f), and (g) to read as follows:

"(e) (1) The board of regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for the Texas Tech University School of Medicine at Lubbock.

"(2) The board of regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, may pledge irrevocably to the payment of its revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Texas Tech University and/or at the Texas Tech University School of Medicine at Lubbock; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that such tuition charges shall not be pledged pursuant to the authority granted by this Subsection (e)(2) except to the payment of bonds issued in an aggregate principal amount of not to exceed \$35 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for the Texas Tech University School of Medicine at Lubbock.

"(f) (1) The board of regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio.

"(2) The board of regents of The University of Texas System may pledge irrevocably to the payment of its revenue bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each and every institution, branch, and school operated by or under the jurisdiction of said board of regents of The University of Texas System; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that such tuition charges shall not be pledged pursuant to the authority granted by this Subsection (f)(2) except to the payment of bonds issued in an aggregate principal amount of not to exceed \$150 million for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio.

"(g) Subsections (a) through (f) of this section are cumulative of all other laws on the subject, but they shall be wholly sufficient authority for the issuance of the bonds and the performance of the acts and procedures, and the exercise of the powers granted and authorized thereby, regardless of any restrictions or limitations contained in any other laws; and when any bonds are being issued or any acts or procedures are being undertaken, or any powers being exercised pursuant to those subsections, then to the extent of any conflict or inconsistency between any provisions of those subsections, and any provision of any other law, the provisions of those subsections shall prevail and control." (H.B. No. 278, 62nd Legis., Reg. Sess., 1971.)

Sec. 2. Subchapter C, Chapter 65, Texas Education Code, is amended by adding Section 65.40 to read as follows:

"Section 65.40. Environmental Science Park. (a) The board is hereby authorized to establish, maintain, and support an environmental science park in Bastrop County, Texas, on lands owned or controlled by it, the administration and business management of which shall be delegated to The University of Texas M. D. Anderson Hospital and Tumor Institute at Houston.

"(b) The board shall have authority to cooperate with agencies, institutions, instrumentalities, and subdivisions of this state, other states, and the federal government; and with private institutes, institutions, foundations, and organizations, in the furtherance of this section, and the promotion of educational and environmental science programs.

"(c) The board is specifically authorized upon terms and conditions acceptable to it, to accept and administer, gifts, grants, or donations, of any kind, from any source, to aid in the establishment, operation, maintenance, or administration of the environmental science park." (SB 278, 62nd Legis., Reg. Sess., 1971.)

Sec. 3. Subchapter C, Chapter 105, Texas Education Code, is amended by adding Section 105.43 to read as follows:

"Section 105.43. Student Union Fee. (a) The board may levy a regular, fixed student fee not to exceed \$10 per student for each semester of the long session and not to exceed \$5 per student for each semester of the summer session, or any fractional part thereof, against each student enrolled in that institution, as may in their discretion be just and necessary for the purpose of operating, maintaining, improving, and equipping the student union and acquiring or constructing additions thereto; provided, however, that the student body must approve each increase of said fee in excess of \$1 per student for each semester of the long session and 50 cents per student for each term of the summer school, at an election called for that purpose by the board. Notice of an election shall be given by publication of a substantial copy of the resolution or order of the board calling the election and showing the amount of the increased fee and the purpose for which it is to be used. The notice shall be published in The North Texas Daily or in any other student newspaper having general circulation among the students for three consecutive days of the week immediately preceding the date set for the election. The board shall canvass the returns and declare the results of the election, and if a majority of the students voting in the election vote in favor of the increase, then the board may levy the fee in an amount not in excess of the amount authorized at the election.

"(b) The activities of the student union financed in whole or in part by the student union fee shall be limited to those activities in which the entire student body is eligible to participate and in no event may any of the activities so financed be held outside of the territorial limits of the campus of North Texas State University.

"(c) The fiscal officer of North Texas State University shall collect the fees provided for in Subsection (a) of this section and shall credit the money received from those fees to an account known as the student union fee account.

"(d) The money thus collected and placed in the student union fee account shall be used for the purpose of operating and maintaining and improving the student union and shall be placed under the control of and subject to the order of the board of directors of the student union, which board of directors shall annually submit a complete and itemized budget to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of regents shall make such changes in the budget as it deems necessary before approving it, and shall then levy the student fees under the provisions of Subsection (a) of this section in such amounts as will be sufficient to meet the budgetary needs of the student union, within the statutory limits fixed in this section.

"(e) This fee is collectible beginning September 1, 1971." (HB 214, 62nd Legis., Reg. Sess., 1971.)

Sec. 4. Subchapter B, Chapter 86, Texas Education Code, is amended by adding Section 86.23 to read as follows:

"Section 86.23. Student Center Complex Fees. (a) The board of directors of Texas A & M University System is hereby authorized to levy a regular, fixed student fee not to exceed \$10 per student for each semester for the long session and not to exceed \$5 per student for each term of the summer session, or any fractional part thereof, against each student enrolled in said institution, as may in the board's discretion be just and necessary for the purpose of operating, maintaining, improving, and equipping the Texas A & M Student Center Complex and acquiring or constructing additions to said complex. The activities of the student center complex financed in whole or in part by the student center complex fee shall be limited to those activities in which the entire student body is eligible to participate and in no event shall any of the activities so financed be held outside the territorial limits of Texas A & M University.

"(b) The comptroller of Texas A & M University shall collect the fees provided for in Subsection (a) of this section and shall credit the money received from the fees to an account known as the Student Center Complex Fee Account.

"(c) The money thus collected and placed in the said Student Center Complex Fee Account shall be used for the purpose of operating, maintaining, improving, and equipping the Texas A & M Student Center Complex. A complete and itemized budget shall be submitted annually to be accompanied by a full and complete report of all activities conducted during the past year and all expenditures made incident thereto. The board of directors shall make such changes in the budget as it deems necessary before approving the same, and shall then levy the student fees under the provisions of Subsection (a) of this section in such amounts as will be sufficient to meet the budgetary needs of the center, within the statutory limits herein fixed." (SB 573, 62nd Legis., Reg. Sess., 1971.)

Sec. 5. Subchapter Z, Chapter 51, Texas Education Code, is amended by adding Section 51.904 to read as follows:

"Section 51.904. Street Closing. The governing body of a state-supported college or university in a county having a population in excess of 1,500,000

may vacate, abandon, and close a street or alley running through the campus if the state-supported college or university owns all of the real property abutting the street or alley." (SB 318, 62nd Legis., Reg. Sess., 1971.)

Sec. 6. Chapter 61, Texas Education Code is amended by adding Subchapter E to read as follows:

**"Subchapter E. Contracts with
The Texas College of Osteopathic Medicine**

"Section 61.201. Definitions. In this subchapter, unless context otherwise requires:

"(1) 'Bona fide Texas resident' means a person defined as a 'resident student' in Subchapter B, Chapter 54, of this code, and rules, regulations, and interpretations promulgated thereunder by the coordinating board or the Commission on Higher Education.

"(2) 'Established public medical schools' means The University of Texas Medical Branch and Southwestern Medical School.

"(3) 'Undergraduate medical student' means a person enrolled for a regular schedule of courses in pursuit of a Doctor of Medicine degree or Doctor of Osteopathy degree.

"(4) 'Scholastic year of disbursement' means a period of time commencing on September 1 of each calendar year and terminating on August 31 of the next succeeding calendar year. The first scholastic year of disbursement shall commence on September 1, 1971, and shall terminate on August 31, 1972.

"(5) 'Average annual state support per undergraduate medical student enrolled at the established public medical schools' means an amount calculated by dividing the state appropriations for undergraduate medical education to the established public medical schools for the fiscal year next preceding the scholastic year of disbursement by the total number of undergraduate medical students enrolled in those schools on October 15 of said fiscal year.

"Section 61.202. Contracts with Texas College of Osteopathic Medicine. So long as there is no public school of osteopathic medicine in this state, the coordinating board is hereby vested with the right, power, and authority to contract with Texas College of Osteopathic Medicine for the preparation or instruction of bona fide Texas resident undergraduate medical students as Doctors of Osteopathic Medicine.

"Section 61.203. Disbursements. (a) In the exercise of the rights, powers, and authority described in Section 61.202 of this code, the Coordinating Board may disburse to Texas College of Osteopathic Medicine, during each scholastic year of disbursement, an amount equal to the average annual state support per undergraduate medical student at the established public medical schools, as certified pursuant to Section 61.201(5) of this code, multiplied by the number of bona fide Texas resident undergraduate medical students enrolled at Texas College of Osteopathic Medicine; provided, however, that the coordinating board shall never disburse an amount exceed-

ing the amount appropriated by the legislature for this purpose. Expenditures by the Texas College of Osteopathic Medicine of any state funds received by it shall be limited to the payment of instructional costs, general administration and student services, faculty salaries, departmental operating expenses, and library. Any payment paid in whole or in part from funds appropriated for this purpose shall conform to the practices and limitations common to established public medical schools in Texas and shall be set forth in writing annually by the board of regents of The University of Texas System in substantially the same form as applicable to such public medical schools by such board of regents, and made a part of each disbursement contract.

"(b) Subject to the limitations described in this section, the coordinating board is hereby granted the right, power, and authority to establish, by contract, with Texas College of Osteopathic Medicine the method by which the above-described disbursement shall be accomplished, and may prescribe such reasonable rules and regulations as are necessary to carry out the provisions of this section including, but not limited to, a prior consultation on the annual budget and a post audit of expenditures in a manner acceptable to the state auditor.

"Section 61.204. Restrictions. The rights, powers, and authority granted herein shall not be subject to restrictions, limitation, obligation, or requirement provided in Section 61.058 of this code or Chapter 4, Title 20, Revised Civil Statutes of Texas, 1925, as amended, notwithstanding any other provision hereof." (SB 160, 62nd Legis., Reg. Sess., 1971.)

Sec. 7. Sections 52.35, 52.38, and 52.54, Texas Education Code, are amended to read as follows:

"Section 52.35. Term of Loans. The term of all authorized loans must be for the shortest possible period, as determined by the board. However, no loan may be made to any student for a period longer than 10 years from the date he is last enrolled in a participating institution, except as a longer period is authorized for medical students, dental students, and students seeking professional or graduate degrees as authorized under the provisions of Section 52.38 of this code."

"Section 52.38. Repayment of Loans. Repayment of any loan and interest authorized under this chapter shall be made monthly and shall begin not later than nine months after the date the student borrower is last enrolled in a participating institution or any other institution of higher education and in no event later than five years from the date the first note evidencing a loan under this chapter is executed. The board may, however, authorize a longer period before beginning repayment of loans to medical students, dental students, and other students seeking professional or graduate degrees. The board may extend the time for beginning repayment for unusual financial hardships, with the approval of the attorney general. Repayment shall be made directly to the board or to a participating institution pursuant to a contract executed by the board in accordance with its rules and regulations."

"Section 52.54. Rules and Regulations. (a) The board shall adopt and publish rules and regulations to effectuate the purposes of this chapter in accordance with and under the conditions applied to other agencies by

Chapter 274, Acts of the 57th Legislature, Regular Session, 1961, as amended (Article 6252-13, Vernon's Texas Civil Statutes).

"(b) The board may adopt rules and regulations necessary for participation in the federal guaranteed loan program provided by the Higher Education Act of 1965 (Public Law 89-329)." (SB 527, 62nd Legis., Reg. Sess., 1971.)

Sec. 8. Section 21.062, Texas Education Code, as amended, is amended to read as follows:

"Section 21.062. Transfer of State Funds. Upon the filing and certification of the transfer of any such child in the manner timely and in the form prescribed by regulations of the State Board of Education, the state per capita apportionment shall transfer with the child; and for purposes of computing state allotments to districts eligible under the Foundation School Program Act, the attendance of the child prior to the date of transfer shall be counted by the transfer sending district and the attendance of the child after the date of transfer shall be counted by the transfer receiving district." (HB 476, 62nd Legis., Reg. Sess., 1971).

Sec. 9. Subchapter C, Chapter 108, Texas Education Code, is amended by adding Section 108.36 to read as follows:

"Section 108.36. Educational Centers. (a) The Board may establish an educational center of Lamar University in the Counties of Jefferson and Orange, to be known as Lamar University at Jefferson and Orange Counties, to accept freshman and sophomore level students only. This educational center may be discontinued by the Coordinating Board, Texas College and University System, at its discretion.

"(b) The board may make provisions for adequate physical facilities to be provided at no cost to the State of Texas for use by the Lamar University at Jefferson and Orange Counties and may accept and administer, on terms and conditions satisfactory to the board, grants or gifts of money or property which are tendered by any reason for the use and benefit of the school; provided however, that any expenditure of funds, other than local funds or any such grants or gifts, for teaching classes not held on the Beaumont Campus, shall be only as specifically authorized in the General Appropriations Act.

"(c) The board with approval of the Coordinating Board, Texas College and University System, may prescribe courses leading to customary degrees, and make other rules and regulations for the operation, control, and management of the Lamar University at Jefferson and Orange Counties as necessary for the school to be a first-class institution for freshman and sophomore students.

"(d) Nothing in this section shall be construed to limit the powers of the board of regents of Lamar University as conferred by law." (HB 130, 62nd Legis., Reg. Sess., 1971.)

Sec. 10. Subsections (a) and (c), Section 135.02, Texas Education Code, are amended to read as follows:

"(a) The Texas State Technical Institute shall be located on only four campuses in McLennan, Cameron, Potter and Nolan Counties."

"(c) The board may accept or acquire by purchase in the name of the State of Texas land and facilities in Cameron County, Potter County and Nolan County, subject to the approval of the governor." (HB 672, 62nd Legis., Reg. Sess., 1971.)

Sec. 11. Chapter 4, Texas Education Code, is amended by adding Section 4.33 to read as follows:

"Section 4.33. Disruption of Classes. (a) Any person who, on school property or on public property within 500 feet of school property, shall alone or in concert with others willfully disrupt the conduct of classes or other school activities shall be guilty of a misdemeanor and upon conviction therefor shall be punishable by a fine not to exceed \$200.

"(b) In this section:

"(1) 'School property' shall include public school campuses or school grounds upon which any public school is located, and any grounds or buildings used by a school for assemblies or other school-sponsored activities.

"(2) 'Public property' shall include any street, highway, alley, public park, or sidewalk.

"(3) Conduct which disrupts the educational activities of a school includes:

"(A) emission by any means of noise of an intensity which prevents or hinders classroom instruction;

"(B) enticement or attempted enticement of students away from classes or other school activities which students are required to attend; and

"(C) prevention or attempted prevention of students from attending classes or other school activities which students are required to attend.

"(c) The provisions of this section shall be cumulative of existing law, and should any portion hereof be found to be in conflict with any provision of existing law, the provisions hereof shall prevail." (HB 186, 62nd Legis., Reg. Sess., 1971.)

Sec. 12. Chapter 86, Texas Education Code, is amended by adding Subchapter C to read as follows:

"Subchapter C. Real Estate Research Center

"Section 86.51. Real Estate Research Center. There is established at Texas A & M University, in the College of Agriculture, a Real Estate Research Center, hereinafter referred to as the center. The operating budget, staffing, and activities of the center shall be approved by the board of directors of The Texas A & M University System.

"Section 86.52. Real Estate Research Advisory Committee. (a) The Real Estate Research Advisory Committee is created.

"(b) The advisory committee is composed of nine persons appointed by the governor, without senate confirmation, with the following representation:

"(1) six members shall be real estate brokers, licensed as such for at least five years preceding the date of their appointment, who have been recommended by the Texas Real Estate Commission and are representative of each of the following real estate specialities:

"(A) one member shall be principally engaged in real estate brokerage;

"(B) one member shall be principally engaged in real estate financing;

"(C) one member shall be principally engaged in the ownership or construction of real estate improvements;

"(D) one member shall be principally engaged in the ownership, development or management of residential properties;

"(E) one member shall be principally engaged in the ownership, development or management of commercial properties; and

"(F) one member shall be principally engaged in the ownership, development or management of industrial properties; and

"(2) three members shall be representatives of the general public.

"(c) Except for the initial appointees, members of the advisory committee hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members, including two representatives of the real estate industry and one representative of the general public, for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977. Any vacancy shall be filled by appointment for the unexpired portion of the term. Each member shall serve until his successor is qualified.

"(d) The chairman of the Texas Real Estate Commission, or a member of the commission designated by him, shall serve as an ex officio, non-voting member of the advisory committee.

"(e) The committee shall elect a chairman from its membership, and he shall serve for an annual term.

"(f) The first meeting of the advisory committee shall be called by the president of Texas A & M University or his designated representative. The committee shall meet not less than semiannually, and in addition on call of its chairman, or on petition of any six of its members, or on call of the president of Texas A & M University or his designated representative.

"(g) The advisory committee shall review and approve proposals to be submitted to the board of directors of The Texas A & M University System relating to staffing and general policies including priority ranking of research studies and educational and other studies.

"(h) The president of Texas A & M University or his designated representative shall submit to the advisory committee in advance of each fiscal year a budget for expenditures of all funds provided for the center in a form that is related to the proposed schedule of activities for the review and approval of the advisory committee. The proposed budget approved

by the advisory committee shall be forwarded with the comments of the committee to the board of directors of The Texas A & M University System prior to its action on the proposed budget, and the board of directors of The Texas A & M University System shall not authorize any expenditure that has not had the prior approval of the advisory committee.

"(i) The president of Texas A & M University or his designated representative shall submit to the advisory committee for its review and approval a research agenda at the beginning of each fiscal year and shall continuously inform the advisory committee of changes in its substance and scheduling.

"Section 86.53. Purposes, Objectives, and Duties of the Center. The purposes, objectives, and duties of the center are as follows:

"(1) to conduct studies in all areas that relate directly or indirectly to real estate and/or urban or rural economics and to publish and disseminate the findings and results of the studies;

"(2) to assist the teaching program in real estate offered by the colleges and universities in the State of Texas when requested to do so, and to award scholarships and establish real estate chairs when funds are available;

"(3) to supply material to the Texas Real Estate Commission for the preparation of the examinations for real estate salesmen and brokers, if requested to do so by the commission;

"(4) to develop and from time to time revise and update materials for use in the extension courses in real estate offered by the universities and colleges in the State of Texas when requested to do so;

"(5) to assist the Texas Real Estate Commission in developing standards for the accreditation of vocational schools and other teaching agencies giving courses in the field of real estate, and standards for the approval or courses in the field of real estate, as and when requested to do so by the commission;

"(6) to make studies of and recommend changes in state statutes and municipal ordinances, providing however that no staff member of the center shall directly contact legislators or locally elected officials concerning the recommendations except to provide a factual response to an inquiry as to the method of research or nature of the findings;

"(7) provided and except, however, that those conducting such research and studies shall periodically review their progress with the advisory committee or its designated representative, and the results of any research project, or study, shall not be published or disseminated until it has been reviewed and approved in writing by the advisory committee or its designated representative.

"Section 86.54. Publication Charges; Gifts and Grants. The center may make a charge for its publications and may receive gifts and grants from foundations, individuals, and other sources for the benefit of the research center.

"Section 86.55. Annual Report. A report of the activities and accomplish-

ments of the center shall be published annually." (SB 338, 62nd Legis., Reg. Sess., 1971.)

Sec. 13. Subchapter A, Chapter 130, Texas Education Code, is amended by adding Section 130.005 to read as follows:

"Section 130.005. Change of Name to Community College. (a) The legislature hereby declares that the purpose of this section is to recognize that the institutions formerly known as public junior colleges are in fact comprehensive community colleges which serve their communities not only through university-parallel programs but also by means of occupational programs and other programs of community interest and need.

"(b) Any reference to junior colleges or junior college districts in any law may be amended to read community college or community college district, respectively." (SB 683, 62nd Legis., Reg. Sess., 1971.)

Sec. 14. Subchapter C, Chapter 108, Texas Education Code, is amended by adding Section 108.37 to read as follows:

"Section 108.37. Student Center Fees. The board of regents may levy a regular fixed student fee not to exceed \$10 per student for each semester of the long session and not to exceed \$5 per student for each term of the summer session, against each student enrolled in the institution, as in their discretion may be just and necessary for the purpose of operating, maintaining, improving, and equipping the student center and acquiring or constructing additions to the student center." (HB 787, 62nd Legis., Reg. Sess., 1971.)

Sec. 15. Subchapter G, Chapter 23, Texas Education Code, is amended by adding Section 23.999 to read as follows:

"Section 23.999. Consolidation of County-Line Districts. Hereafter, where two or more contiguous county-line independent school districts, each of which is an accredited 12-grade independent school district, are consolidated and the resulting county-line independent school district so created contains fewer than 750 children in average daily attendance, such a district, subject to approval of the commissioner of education, may qualify and shall be eligible for incentive aid payments authorized by and pursuant to other applicable provisions of the incentive aid law." (HB 854, 62nd Legis., Reg. Sess., 1971.)

Sec. 16. Subchapter D, Chapter 54, Texas Education Code, is amended by adding Section 54.208 to read as follows:

"Section 54.208. Firemen Enrolled in Fire Science Courses. The governing boards of the state institutions of collegiate rank supported in whole or in part by public funds shall exempt from the payment of tuition and laboratory fees any person who is employed as a fireman by any political subdivision of the state and who enrolls in a course or courses offered as part of a fire science curriculum. The exemption provided does not apply to deposits which may be required in the nature of security for the return or proper care of property loaned for the use of students." (HB 398, 62nd Legis., Reg. Sess., 1971.)

Sec. 17. Section 105.13, Texas Education Code, is amended to read as follows:

"Section 105.13. Residence. Not more than one member of the board may be appointed from or be a resident of any one state senatorial district." (SB 772, 62nd Legis., Reg. Sess., 1971.)

Sec. 18. Subchapter D, Chapter 130, Texas Education Code, is amended by adding Section 130.070, to read as follows:

"Section 130.070. Annexation by District 100 Miles From Nearest Junior College. (a) As used in this section, the term 'eligible junior college District' is defined as and means any junior college district which:

"(1) has boundaries located entirely within one county and contains an area which is less than 50 percent of the area of such county; and

"(2) accepts enrollment from students residing outside such junior college district but within such county; and

"(3) is located a distance of at least 100 miles from the nearest junior college educational facilities operated by another junior college district.

"(b) The governing body of an eligible junior college district is authorized to change the boundaries of such eligible junior college district by annexing all the territory contained in the county in which it is located, in accordance with the following procedure:

"(1) an application shall be filed by an eligible junior college district with the Coordinating Board, Texas College and University System, asking approval by said board of the proposed annexation of such territory;

"(2) if such approval is given by order or resolution of the Coordinating Board, Texas College and University System, the governing body of the eligible junior college district is authorized to order an election to be held in and throughout the entire county in which it is located, being the area as a whole constituting the eligible junior college district and the territory proposed to be annexed, on the proposition of whether or not such territory shall be annexed. Such election shall be held in accordance with law, and the election order shall set forth the date of the election, the polling place or places, and any other matters deemed necessary or advisable by such governing body. Notice of said election shall be given by publishing a substantial copy of the election order one time at least 10 days prior to the election, in a newspaper having general circulation in the county in which the eligible junior college district is located;

"(3) the governing body of such eligible junior college district shall receive and canvass the returns of said election, and if a majority of the electors voting at said election should vote in favor of such annexation, the governing body of the eligible junior college district is authorized to annex all the territory contained in the county in which it is located by passing an order to that effect, whereupon the boundaries of such junior college district shall be changed and extended to be identical with those of such county.

"(c) The annexation of territory by an eligible junior college district

pursuant to this section does not create a new junior college district, and the junior college district whose boundaries have been so changed and extended by annexation shall continue to exist as before, but over and with the changed boundaries. The governing board of an eligible junior college district, after annexation of territory pursuant to this section, shall continue to be the governing board of such junior college district; provided that such governing board shall order an election to be held on the first Saturday in April of the next even-numbered year, at which time a board of trustees consisting of seven members shall be elected from such junior college district in accordance with the procedures set forth in Section 130.082, Texas Education Code, and thereafter such section shall be applicable to such junior college district." (HB 743, 62nd Legis., Reg. Sess., 1971.)

Sec. 19. Chapter 74, Texas Education Code, is amended by adding a Subchapter I to read as follows:

Subchapter I. The University of Texas Nursing
School (System-wide)

Sec. 74.401. Composition, Operation, Maintenance. The board of regents of The University of Texas System is authorized to establish, maintain, and operate The University of Texas Nursing School (System-wide) which is composed of the following branches: The University of Texas (Undergraduate) Nursing School at Austin; The University of Texas (Graduate) Nursing School at Austin; The University of Texas (Undergraduate) Nursing School at El Paso; The University of Texas (Clinical) Nursing School at Galveston; The University of Texas (Clinical) Nursing School at San Antonio; and the University of Texas (Undergraduate) Nursing School at Tarrant County. The board is authorized to provide for the education of nursing students at each nursing school; however, all hospital facilities and services required for the operation and maintenance of each nursing school shall be furnished and provided at no cost and expense to the State of Texas except at the Galveston Division of The University of Texas (Clinical) Nursing School at Galveston.

Sec. 74.402. Courses, Degrees, Etc. The board is authorized to prescribe courses leading to such customary degrees as are offered in other leading American nursing schools, to award those degrees, and to make rules and regulations for the operation, control, and management of each nursing school, as may be necessary for the conduct of professional schools of the first class.

Sec. 74.403. Affiliation Agreements; Joint Appointments. The board is authorized to execute and carry out with any entity or institution affiliation or coordinating agreements that are reasonably necessary or desirable for the conduct and operation of professional schools of the first class, not in conflict with Section 74.401 of this code, and the board is specifically authorized to make joint appointments in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institutions on the basis of services rendered.

Sec. 74.404. Gifts and Grants. The board may accept gifts and grants from any source in aid of the conduct and operation of The University of Texas Nursing School (System-wide) or the branch nursing schools. (SB 337, 62nd Legislature, Reg. Sess., 1971.)

Mr. Murray offered the following amendment to the resolution:

Amend SCR 126 by adding sections to read as follows:

Sec. 20. Subchapter A, Chapter 66, Texas Education Code, is amended by adding Section 66.05 to read as follows:

"Section 66.05. Reports. (a) Before December 1 of each year the board of regents of The University of Texas System shall prepare a written report disclosing all details concerning the investments made and income realized from the permanent university fund during the year ending August 31 preceding the publication of the report.

"(b) The report shall contain a summary of all investments and an itemized list of all securities held for the fund on August 31, a summary of investment changes during the preceding year, and a summary of all income realized from the various components of the fund. The report shall also contain any other information needed to clearly indicate the nature and extent of investments made of the fund and all income realized from the components of the fund.

"(c) The report shall be distributed to the governor, state treasurer, state comptroller of public accounts, state auditor, attorney general, commissioner of higher education, and to the members of the legislature by the 1st day of January each year. The board shall furnish copies of the report to any interested person on request." (HB 1198, 62nd Legis., Reg. Sess., 1971.)

Sec. 21. Subchapter A, Chapter 11, Texas Education Code, is amended by adding Section 11.051 to read as follows:

"Section 11.051. Travel and Clothing Expenses for Certain Deaf Students. (a) In this section, 'economically deprived children' means children having parents or guardians whose financial condition is such that it would work a hardship upon them to pay the travel or clothing expenses of their children.

"(b) The travel expenses of economically deprived children attending the Texas School for the Deaf shall be paid by the state out of funds appropriated by the legislature. The superintendent of the school shall, subject to the requirements of Subsection (c) of this section, make the determination in his sole discretion of which children are entitled to have their travel expenses paid.

"(c) No money appropriated for travel expenses may be expended except in compliance with the following rules:

"(1) The travel expenses shall be paid only when it is necessary for the student to travel to his home, and only for trips to and returning from his home.

"(2) The superintendent of the school shall plan the travel of students so as to achieve maximum economy and efficiency.

"(3) A student traveling by rented or public conveyance is entitled to a travel allowance equal to the actual cost of necessary transportation, meals, and lodging.

"(d) The expenses of purchasing clothes for economically deprived children attending the Texas School for the Deaf shall be paid out of funds appropriated by the legislature. The superintendent of the school shall make the determination in his sole discretion of which children are entitled to have clothes purchased for them." (SB 292, 62nd Legis., Reg. Sess., 1971.)

Sec. 22. Subchapter C, Chapter 87, Texas Education Code, is amended by adding Section 87.206 to read as follows:

"Section 87.206. Instruction in Field of Marine Resources. In addition to the instruction authorized in Section 87.201 of this code, the school or any other school created under this subchapter may provide instruction for all students in educational programs related to the general field of marine resources. Such courses must have the prior approval of the Coordinating Board, Texas College and University System." (SB 942, 62nd Legis., Reg. Sess., 1971.)

Sec. 23. Chapter 111, Texas Education Code, is amended by adding Subchapter E to read as follows:

"Subchapter E. The University of Houston at Clear Lake City.

"Section 111.81. Establishment, Location. There is established in Harris County, as recommended by the Coordinating Board, Texas College and University System, a coeducational institution of higher education to be known as the University of Houston at Clear Lake City. The university shall be located on land currently owned by the University of Houston, either land acquired by donation under Chapter 37, Acts of the 60th Legislature, Regular Session, 1967, or land generally adjacent to that land and also owned by the University of Houston.

"Section 111.82. Organization and Control. The organization and control of the university are vested in the board of regents of the University of Houston. With respect to this university, the board of regents has all the rights, powers, and duties that it has with respect to the organization and control of the University of Houston, except as otherwise provided by this Act. However, the University of Houston at Clear Lake City shall be maintained as a separate and distinct institution of higher education.

"Section 111.83. Role and Scope. The university shall be organized to offer only junior, senior, and graduate-level programs.

"Section 111.84. Advisory Committee. (a) There is established a permanent advisory committee consisting of the president, or a representative designated by him, of each tax-supported junior college and community college now existing or hereafter established in Harris, Galveston, Fort Bend, Waller, Montgomery, Liberty, Chambers, or Brazoria Counties.

"(b) The advisory committee shall biennially elect a chairman from among its members and may elect other officers. It shall make rules to govern the calling of meetings and the transaction of its business.

"(c) The advisory committee shall periodically study the overall needs of the region mentioned in Subsection (a) of this section for the development of programs and resources in higher education, and as a result of its studies shall make recommendations to the board of regents of the

University of Houston regarding the development of the departments and degree programs of the University of Houston at Clear Lake City. The board of regents shall give careful consideration to the recommendations of the advisory committee.

"Section 111.85. Authority of Coordinating Board. The university is a general academic teaching institution, and as such it is subject to the authority of the Coordinating Board, Texas College and University System." (HB 199, 62nd Legis., Reg. Sess., 1971.)

Sec. 24. Chapter 104, Texas Education Code, is amended by adding Subchapter G to read as follows:

"Subchapter G. Texas A&I University at Corpus Christi

"Section 104.91. Establishment; Scope. (a) The board is authorized and directed to establish and maintain a fully state-supported coeducational institution of higher learning to be known as Texas A&I University at Corpus Christi. The site for the institution shall consist of at least 200 acres of land and shall be provided for the institution at no cost to the state.

"(b) The institution shall be organized to accept only junior, senior, and graduate-level students, with at least 60 semester hours of accredited college or university study.

"Section 104.92. Degrees; rules; joint appointments. (a) The board may prescribe courses leading to such customary degrees as are offered at leading American universities of this concept and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate and master's degree and their equivalents, and that there be established a standard program for such type institution, but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System.

"(b) The board shall make such other rules and regulations for the operation, control, and management of the university, including the determination of the number of students that shall be admitted to any school, college, or degree-granting program, as may be necessary for the conduct of the university as one of the first class.

"(c) The board is specifically authorized to make joint appointments in the university and in other institutions under its governance, the salary of any such person who receives a joint appointment to be apportioned to the appointing institution on the basis of services rendered.

"Section 104.93. Gifts and Grants. (a) The board may accept and administer upon terms and conditions satisfactory to it grants or gifts of property, including real estate and/or money that may be tendered to it in aid of the planning, establishment, conduct, and operation of Texas A&I University at Corpus Christi, and in aid of research and teaching at the university.

"(b) The board may accept from the federal government or any foundation, trust fund, corporation, or individual donations, gifts, and grants, including real estate, buildings, libraries, laboratories, apparatus, equipment, records, or money for the use and benefit of the university." (HB 275, 62nd Legis., Reg. Sess., 1971.)

Sec. 25. Subchapter E, Chapter 130, Texas Education Code, is amended by adding Section 130.086, to read as follows:

"Section 130.086. Branch Campuses. (a) The board of trustees of a junior college district may establish and operate branch campuses, centers, or extension facilities, without regard to the geographical bounds of the junior college district, provided that each branch campus, center, or extension facility is approved by the appropriate state educational agency.

"(b) The branch campuses, centers, or extension facilities shall be within the role and scope of the junior college as determined by the appropriate state educational agency.

"(c) The board of trustees of a junior college district may accept or acquire by purchase or rent land and facilities in the name of the junior college district without regard to the geographical bounds of the junior college district.

"(d) Before any course may be offered by a junior college within the district of an operating public junior college it must be established that the public junior college is not capable of or is unable to offer the course. After the need is established and the course is not locally available, then the junior college may offer the course when approval is granted by the appropriate state educational agency.

"(e) The board of trustees of a junior college district may enter cooperative agreement with independent, common, or county school districts, state or federal agencies as may be required to perform the services as outlined in this section.

"(f) Out-of-district branch campuses, centers, or extension facilities of junior colleges existing prior to September 1, 1971, shall be reviewed by the appropriate state educational agency to determine their feasibility and desirability with respect to the junior college and the population of the geographical area served by the branch campus, center, or extension facility." (HB 1351, 62nd Legis., Reg. Sess., 1971.)

Sec. 26. Subchapter D, Chapter 73, Texas Education Code, is amended by adding Section 73.157 to read as follows:

"Section 73.157. Division of Communicative Disorders. (a) The board may acquire by donation the facilities of the Houston Speech and Hearing Center, a Texas nonprofit corporation of Houston, all of which are located within the Texas Medical Center, including a leasehold interest in land. The board is further authorized to execute any and all agreements necessary to carry out the purpose and intent of this section.

"(b) If and when such center is accepted, there shall be established within The University of Texas Graduate School of Biomedical Sciences at Houston a division which shall be known as the Division of Communicative Disorders for the purpose of observing, testing, analyzing, diagnosing, and treating those persons afflicted with hearing and speech abnormalities, defects, and afflictions, and as a center for research studies and training relating to speech and hearing afflictions, abnormalities, and defects, and for all programs incidental thereto. The facilities of the Division of Communicative Disorders shall be available to

all persons and institutions, subject only to necessary limitations with respect to space, funding, and qualifications of such users.

"(c) The board may accept gifts and grants from any source in aid of the conduct and operation of the Division of Communicative Disorders." (SB 918, 62nd Legis., Reg. Sess., 1971.)

Sec. 27. Subsection (a) , Section 51.105, Texas Education Code, is amended to read as follows:

"(a) The governing board may grant to a faculty member a faculty development leave either for one academic year at one-half of his regular salary or for one-half academic year at his full regular salary. Payment of salary to the faculty member on faculty development leave may be made only from the funds appropriated by the legislature specifically for that purpose." (Sec. 1, HB 514, 62nd Legis., Reg. Sess., 1971.)

Sec. 28. Subchapter C, Chapter 51, Texas Education Code, is amended by adding Section 51.108 to read as follows:

"Section 51.108. Regulations Concerning Absence. (a) The governing board of each college or university supported in whole or in part by state funds shall issue regulations concerning the authorized and unauthorized absence from duty of faculty members, including teaching assistants and research assistants.

"(b) Each governing board shall file a copy of these regulations with the Coordinating Board, Texas College and University System. Each governing board shall file any amendment to its regulations with the coordinating board not later than 30 days after the effective date of the amendment." (Sec. 2 and 3, HB 514, 62nd Legis., Reg. Sess., 1971.)

Sec. 29. Sections 54.051, 54.054, 54.055, 54.057, and 54.101, Texas Education Code, are amended to read as follows:

"Section 54.051. Tuition Rates. (a) The governing board of each institution of higher education shall cause to be collected from students registering at the institution tuition or registration fees at the rates prescribed in this section.

"(b) Tuition for resident students, except as otherwise hereinafter provided, is \$4 per semester credit hour, but the total of such charge shall be not less than \$50 per semester.

"(c) Tuition for nonresident students, except as otherwise hereinafter provided, is \$40 per semester credit hour.

"(d) Resident or nonresident students registered for thesis or dissertation credit only, in those instances where such credit is the final credit hour requirement for the degree in progress, shall pay a sum proportionately less than herein prescribed but not more than \$50.

"(e) Tuition for resident students registered in a medical or dental branch, school or college is \$400 per academic year of 12 months.

"(f) Tuition for nonresident students registered in a medical or dental branch, school or college is \$1,200 per academic year of 12 months.

"(g) Resident or nonresident students registered for a course or courses in art, architecture, drama, speech, or music, where individual coaching or instruction is the usual method of instruction, shall pay a fee in addition to the regular tuition, said fee to be designated by the governing board of such institution; but in no event shall such fees be more per course per semester of four and one-half months or per summer session than \$75.

"(h) Tuition for students who are citizens of any country other than the United States of America is \$14 per semester credit hour, but the total of such charge shall be not less than \$200.

"(i) Tuition for students who are citizens of any country other than the United States of America registered in a medical or dental branch, school or college is \$800 per academic year of 12 months.

"(j) Tuition for nonresident students registered in a public junior college is as provided in Subsection (b), Section 130.003 of the Texas Education Code.

"(k) Tuition for students registered in a school of nursing as a nursing student is \$50 per semester and per 12-week summer session.

"(l) Tuition for students registered in a school of nursing as a nursing student for less than 12 semester credit hours of work or for less than a full semester credit hour or term hour load during a summer session shall pay an amount proportionately less than the amount provided in Subsection (k) of this section, but not less than \$20.

"(m) Twenty-five cents out of each hourly charge in Subsection (b) and \$1.50 out of each hourly charge in Subsection (c) of this section shall be placed in a scholarship fund at each institution to be administered by that institution to award scholarships to needy students. Standards for determining need shall be formulated by each institution. No more than 10 percent of said scholarship funds may be allocated to out-of-state students.

"(n) Notwithstanding the preceding provisions of this section, any nonresident student who is enrolled for the spring semester of 1971 in an institution covered by this section may continue to enroll at the same institution at the same tuition rate that was effective at the time of his original enrollment until one of the following conditions first occurs:

"(1) he receives the degree at the degree level (i.e., the baccalaureate, master's, or doctoral degree) toward which he is working during the spring semester of 1971; or

"(2) he voluntarily withdraws from the institution or the institution involuntarily withdraws the student for disciplinary reasons or for failing to meet the academic standards of the institution; or

"(3) the termination of the spring semester of 1975.

"(o) A teaching assistant, research assistant, or other student employee of any institution covered by this section is entitled to register himself, his spouse, and their children in a state institution of higher education by paying the tuition fees and other fees or charges required for Texas residents, without regard to the length of time he has resided in Texas; provided

that said student employee is employed at least one-half time in a position which relates to his degree program under rules and regulations established by the employer institution. This exemption shall continue for students employed two consecutive semesters through the summer session following such employment if the institution is unable to provide employment, as determined under standards established by the institution, if the employee has satisfactorily completed his employment.

"(p) A nonresident student holding a competitive scholarship of at least \$200 for the academic year or summer for which he is enrolled is entitled to pay the fees and charges required of Texas residents without regard to the length of time he has resided in Texas, provided that he must compete with other students, including Texas residents, for the scholarship and that the scholarship must be awarded by a scholarship committee officially recognized by the administration of the institution of higher education.

"Section 54.054. Nonresident status: Presumption; reclassification. A nonresident student classification is presumed to be correct as long as the residence of the individual in the state is primarily for the purpose of attending an educational institution. After residing in Texas for at least 12 months, a nonresident student may be reclassified as a resident student as provided in the rules and regulations adopted by the Coordinating Board, Texas College and University System. Any individual reclassified as a resident student is entitled to pay the tuition fee for a resident of Texas at any subsequent registration as long as he continues to maintain his legal residence in Texas. Before February 15, 1972, the Coordinating Board, Texas College and University System, shall promulgate such rules and regulations.

"Section 54.055. Parents, change of residence to another state. An individual 21 years of age or under whose parents were formerly residents of Texas is entitled to pay the resident tuition fee following the parents' change of legal residence to another state, as long as the individual remains continuously enrolled in a regular session in a state-supported institution of higher education.

"Section 54.057. Aliens. An alien who is living in this country under a visa permitting permanent residence or who has filed with the proper federal immigration authorities a declaration of intention to become a citizen has the same privilege of qualifying for resident status for fee purposes under this Act as has a citizen of the United States. A resident alien residing in a junior college district located immediately adjacent to Texas boundary lines shall be charged the resident tuition by that junior college.

"Section 54.101. Tuition Scholarships. (a) The governing boards of the several state-supported institutions are hereby authorized and directed to have reserved and set apart in a separate account on the books of the respective institutions out of the fees levied and collected from students under Section 54.051 of this code an amount to be determined by the legislature for each institution in the biennial appropriation act, for the purpose of creating a special fund to be used in awarding tuition scholarships to needy resident students enrolled in such respective institutions, and a separate account on the books of the respective institutions out of the fees levied and collected from students under Section 54.051 of this code, an amount to be determined by the legislature for each institution in the biennial appropriation act, for the purpose of creating a special fund to

be used in awarding tuition scholarships to needy alien students enrolled in such respective institutions.

"(b) Such tuition scholarships shall be awarded to students with the approval of the president or other administrative head of each such respective institution in accordance with such rules and regulations governing the award of such tuition scholarships as may be promulgated by the governing boards of said respective institutions. Rules and regulations shall be subject to the provisions of this section.

"(c) Eligibility shall be based primarily on financial need. In determining need, consideration should be given to the student's own efforts to finance his education as evidenced by part-time jobs, loans from private sources, or financial capacity of the parents.

"(d) Awards shall be based on character and satisfactory scholastic record.

"(e) Recipients of such tuition scholarships must be classified as either 'resident students' under the provisions of Subchapter B of this chapter or 'alien students.' For the purpose of this subsection, an 'alien student' is any student who is not a citizen of the United States and who is not entitled to resident status for purposes of payment of tuition under Section 54.057 of this code.

"(f) Tuition scholarships shall be awarded in an amount of \$25 per semester or \$50 per long session for each resident student and \$100 per semester or \$200 per long session for each alien student. The amount of such awards shall be credited to the student recipient as partial payment of his tuition fees. Students otherwise entitled to a refund shall receive the refund based only on that portion of the tuition actually paid by the student.

"(g) Tuition scholarships shall be awarded in an amount not to exceed \$125 per semester or \$250 per long session for each full-time resident medical or dental student. The amount of such awards shall be credited to the student as partial payment of his tuition fees. Students otherwise entitled to a refund of tuition shall receive the refund based only on that portion of the tuition actually paid by the student.

"(h) Not later than 30 days after the close of each fiscal year, each institution shall transfer any unused balances in the fund set up for scholarship awards to the tuition income account from which the scholarship fund was established." (Sec. 1-4, HB 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 30. Subsection (b), Section 130.003, Texas Education Code, is amended to read as follows:

"(b) To be eligible for and to receive a proportionate share of the appropriation, a public junior college must:

"(1) be certified as a public junior college as prescribed in Section 61.063 of this code;

"(2) offer a minimum of 24 semester hours of vocational and/or terminal courses;

"(3) have complied with all existing laws, rules, and regulations governing the establishment and maintenance of public junior colleges;

"(4) collect, from each full-time and part-time student enrolled, matriculation and other session fees in the amounts required and provided by law for other state-supported institutions of higher education, except that the amount charged nonresidents need not be greater than the amount so required by law on January 1, 1971; and

"(5) grant when properly applied for, the scholarships and tuition exemptions provided for in this code; and

"(6) nothing in this section shall be construed to alter, amend, or repeal Section 54.060 of this code." (Sec. 5, HB 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 31. Subchapter E, Chapter 130, Texas Education Code, is amended by adding Section 130.085, to read as follows:

"Section 130.085. Tuition Exemption. (a) The board of trustees of any public junior college may exempt from payment of tuition all students who are residents of the junior college district and who are enrolled for 12 or more semester credit hours, provided that this action will allow the college to participate in and benefit from funds available as provided by Sections 1-7, Title I, 64 Stat. 1100, as amended, 20 U.S.C. Secs. 236-241-1.

"(b) This action by the board of trustees does not affect their authority under Section 130.123 of this code, nor does this section in any way supersede that section. This action of the board does not affect the right of the college to a proportionate share of state appropriations under Section 130.003 of this code." (Sec. 6, HB 43, 62nd Legis., Reg. Sess., 1971.)

Sec. 32. Subchapter I, Chapter 21, Texas Education Code, is amended by adding Section 21.308 to read as follows:

"Section 21.308. Security personnel. (a) The governing board of any school district may employ security personnel for use in any school within its district when the board in its discretion determines that the personnel are necessary.

"(b) All costs incurred by a school district in employing security personnel shall be borne by the school district." (HB 1007, 62nd Legis., Reg. Sess., 1971.)

Sec. 33. Subchapter D, Chapter 54, Texas Education Code, is amended by adding Section 54.209, to read as follows:

"Section 54.209. Children of prisoners of war or persons missing in action. (a) In this section:

"(1) 'Dependent child' means a person under 21 years of age, or a person under 25 years of age who receives the majority of his support from his parent or parents.

"(2) 'Tuition and fees' includes tuition, service fees, lab fees, building

use fees, and all other fees except room, board, or clothing fees, or deposits in the nature of security for the return or proper care of property.

"(b) The governing body of each institution of higher education, on presentation of satisfactory evidence, shall exempt from the payment of tuition and fees the dependent child of any person who is a domiciliary of Texas on active duty as a member of the armed forces of the United States, and who at the time of the registration is classified by the Department of Defense as a prisoner of war or as missing in action." (HB 548, 62nd Legis., Reg. Sess., 1971.)

Sec. 34. Subchapter C, Chapter 17, Texas Education Code, is amended by adding a Section 17.65 to read as follows:

"Section 17.65. Abolition of office; counties with no common school districts. (a) The office of county superintendent is abolished in all counties which have within them no common school districts, or school districts classified as common school districts.

"(b) Upon abolition of the office of county superintendent in any county, the duties and functions of such office, insofar as the same involve recommendations or approvals concerning the operations of the respective districts, shall devolve upon and be performed by the superintendent of schools of the independent school districts affected. The powers and functions assigned to the office of county superintendent under Sections 16.15 and 16.17, Texas Education Code, shall devolve upon and be performed by the executive director of the regional education service center of the region embracing such county; and all other powers and duties devolved by law upon the office of county superintendent shall be performed, ex officio, by the county judge of such county, without compensation from the state. All unused budget funds remaining at the expiration of the office shall revert back to their source.

"(c) Nothing in this section shall apply to counties of 900,000 or more where the county superintendent and his staff are paid by the county. There shall be a county superintendent's office in these counties whether or not there is a common school district therein. The salaries of the county superintendent and his employees shall be set by the school board in said county.

"(d) All counties in which an equalization fund has heretofore been created are hereby authorized to continue to levy, assess and collect in the same manner the same rate of tax or not to exceed the rate of tax heretofore authorized or attempted to be authorized by any election of the taxpaying voters of the county under any Act heretofore passed by the legislature, whether general or special; it being intended that the repeal of statutes by this Act shall not repeal or affect any tax or authority or power heretofore granted by the legislature under which any tax has heretofore been authorized or attempted to be authorized by an election held under any Act or Acts of the legislature heretofore enacted, whether general or special.

"(e) The effective date of the abolition of the office of county school superintendent shall be at the expiration of the present term of office of the present county superintendent, the intent being that the present county superintendent in each of these counties shall serve the remainder of his elected term of office.

"(f) Nothing in this section shall work an abolishment of the office of county school superintendent as long as the present holders of such office continue to hold same by continuous election; however, when the present holder of such office is defeated in any election, or the office of county school superintendent is vacated by death or resignation, such office shall be abolished as prescribed in this section." (HB 628, 62nd Legis., Reg. Sess., 1971.)

Sec. 35. Subsection (a), Section 51.353, Texas Education Code, is amended to read as follows:

"(a) There is hereby established an optional retirement program. Participation in the optional retirement program is in lieu of active membership in the retirement system. The governing boards of all institutions of higher education shall make available to all faculty members in their component institutions, agencies, and units the optional retirement program which shall provide for the vesting of benefits after one year of participation in one or more plans operating pursuant to this Act in one or more institutions of higher education." (SB 421, 62nd Legis., Reg. Sess., 1971.)

Sec. 36. Subtitle F, Texas Education Code, is amended by adding Chapter 113 to read as follows:

"Chapter 113. Tyler State College

"Subchapter A. General Provisions

"Sec. 113.01. Tyler State College. There is created and established in the city of Tyler a coeducational institution of higher education to be known as Tyler State College. The college shall be organized to accept only junior-, senior-, and graduate-level students.

"Sec. 113.02. Role and Scope. The role and scope of the college shall be defined by the Coordinating Board, Texas College and University System.

"Subchapter B. Administrative Provisions

"Sec. 113.11. Board of Regents. The organization, control, and management of the college is vested in a board of nine regents appointed by the governor and confirmed by the senate.

"Sec. 113.12. Qualifications; Oath. Each member of the board shall be a citizen of the State of Texas and shall take the constitutional oath of office.

"Sec. 113.13. Terms of Office; Vacancies. (a) Members of the board hold office for staggered terms of six years, with the terms of three members expiring on January 31 of each odd-numbered year. In making the initial appointments, the governor shall designate three members for terms expiring in 1973, three for terms expiring in 1975, and three for terms expiring in 1977.

"(b) Any vacancy on the board shall be filled for the unexpired term by appointment of the governor.

"Sec. 113.14. Compensation of Board. Members of the board serve without compensation but are entitled to reimbursement for actual expenses incurred in attending the work of the board.

"Sec. 113.15. Chairman; Bylaws. The board shall elect a chairman from among its membership and shall enact bylaws governing the conduct of the board.

"Sec. 113.16. Meetings. The board shall hold an annual meeting on the campus of the college during the month of April, and at other times and places scheduled by the board or designated by its chairman.

"Sec. 113.17. Minutes. The board shall cause accurate and complete minutes of its meetings to be maintained. The minutes shall be open to the public for inspection at the college during regular business hours, and certified copies of the minutes shall be furnished to anyone on payment of a fee set by the board.

"Subchapter C. Powers and Duties

"Sec. 113.31. Rules and Regulations. The board shall promulgate rules and regulations necessary for the successful management and operation of the college.

"Sec. 113.32. President. The board may appoint and remove the president, any faculty member, or other officer or employee of the college and shall fix their respective salaries. The president is the executive officer of the college and is responsible for its general management. He shall recommend a plan of organization and orderly course development for the college.

"Sec. 113.33. Suits; Venue; Citation. The board may sue and be sued in the name of the college. Venue is in either Smith or Travis County. The college may be impleaded by service of citation on its president, and legislative consent to suits against the college is granted.

"Sec. 113.34. Reports. The board shall make reports to the coordinating board as required by law.

"Sec. 113.35. Gifts and Grants. The board may accept donations, gifts, and endowments for the college. They are to be held in trust and administered by the board according to the purposes, directions, limitations, and provisions declared in writing in the donation, gift, or endowment. The provisions of the gift, donation, or endowment shall be followed to the extent that they are not inconsistent with the laws of this state or with the objective and proper management of the college.

"Sec. 113.36. Management of property. The board is vested with the exclusive management of all property owned by the college. The board may make any agreements necessary to the effective management of the college's property. All money received shall be deposited in the state treasury to the credit of a special fund, which may be invested, and the principal and income of the fund may be expended, on appropriation by the legislature, for the administration of the college." (SB 419, 62nd Legis., Reg. Sess., 1971.)

Sec. 37, Section 65.31, Texas Education Code, is amended to read as follows:

"Section 65.31. General powers and duties. (a) The board is authorized and directed to govern, operate, support, and maintain each of the component institutions that are now or may hereafter be included in a part of The University of Texas System.

"(b) The board is authorized to prescribe for each of the component institutions courses and programs leading to such degrees as are customarily offered in outstanding American universities, and to award all such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees, and their equivalents, but no new department, school, or degree-program shall be instituted without the prior approval of the Coordinating Board, Texas College and University System.

"(c) The board has authority to promulgate and enforce such other rules and regulations for the operation, control, and management of the university system and the component institutions thereof as the board may deem either necessary or desirable. The board is specifically authorized and empowered to determine and prescribe the number of students that shall be admitted to any course, department, school, college, degree-program, or institution under its governance.

"(d) The board is specifically authorized to make joint appointments in the component institutions under its governance. The salary of any person who receives such joint appointment shall be apportioned to the appointing institutions on the basis of services rendered.

"(e) The board is specifically authorized, upon terms and conditions acceptable to it, to accept and administer gifts, grants, or donations of any kind, from any source, for use by the system or any of the component institutions of the system.

"(f) No component institution which is not authorized to offer a four-year undergraduate program shall offer a four-year undergraduate program without specific authorization of the legislature." (Sec. 1, HB 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 38. Chapter 68, Texas Education Code, is amended by adding a Section 68.03 to read as follows:

"Section 68.03. Role and scope; courses and degrees. The board is authorized to maintain, operate, and administer The University of Texas at Arlington as a general academic institution of higher education offering a standard four-year undergraduate program. The board shall have the authority to prescribe courses leading to such customary degrees as are offered at leading American universities and to award such degrees. It is the intent of the legislature that such degrees shall include baccalaureate, master's, and doctoral degrees and their equivalents; but no department, school, or degree program shall be instituted except with the prior approval of the Coordinating Board, Texas College and University System." (Sec. 2, HB 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 39. Subchapter D, Chapter 67, Texas Education Code, is amended by adding a Section 67.62 to read as follows:

"Section 67.62. Programs, Courses, Facilities. The institute shall conduct a comprehensive instructional program in marine science, resources, and

engineering at the graduate level and offer undergraduate courses for those students interested in the marine environment, and perform basic and applied research as a coastal zone laboratory in the coastal marine environment; and may provide a shore-based facility, including, but not limited to, laboratories, boats, classrooms, dormitories, and a cafeteria for faculty and students who are engaged in studies of the marine environment." (Sec. 3, HB 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 40. Subchapter 67, Texas Education Code, is amended by adding a Section 67.52 to read as follows:

"Sec. 67.52. Programs. The observatory shall conduct basic research in astronomy, along with optical and radio astronomy research, toward the establishment of a highly developed astronomy and space-science program, including the acquisition and support of the technical and maintenance staffs and facilities essential to the operation of an observatory of the first class, and may assist in the conduct of a comprehensive instructional program in astronomy and space science." (Sec. 4, HB 474, 62nd Legis., Reg. Sess., 1971.)

Sec. 41. Subchapter C, Chapter 54, Texas Education Code, is amended by adding Section 54.102 to read as follows:

"Section 54.102. Nursing Students. The governing boards of Texas Woman's University, The University of Texas System, Prairie View Agricultural and Mechanical College, and West Texas State University may grant nursing tuition scholarships to students enrolled in a baccalaureate nursing program. Each scholarship shall be granted only after a review of the economic circumstances and need of the individual student and may be in an amount deemed necessary to cover any part, or all, of the tuition of the student. Each governing board may prescribe rules, regulations, and the conditions of general effect applicable to the awarding of nursing tuition scholarships." (SB 908, 62nd Legis., Reg. Sess., 1971.)

Sec. 42. Subchapter Z, Chapter 51, Texas Education Code, is amended by adding a Section 51.905 to read as follows:

"Section 51.905. State-owned Museum Buildings. (a) The governing board of each state-supported institution of higher education commonly referred to as a senior college shall formulate and adopt reasonable rules and regulations for the use of a state-owned museum building located on its campus, including the designation of rooms or areas in honor of donors or other benefactors, if appropriate, and shall administer the expenditure of all state funds appropriated for construction, equipment, operation, maintenance, or improvement of such museum, including restoration or refurbishing of collections.

"(b) A historical society or group incorporated as a nonprofit organization may not house an exhibit or collection in a state-owned museum building located on a campus referred to in Subsection (a) of this section if a member of a governing group elected by the board of directors of the nonprofit corporation to administer the affairs of the corporation is elected to succeed himself after serving two consecutive one-year terms.

"(c) If state funds appropriated for construction, equipment, operation, maintenance, or improvement of a museum located on a college or uni-

versity campus referred to in Subsection (a) of this section are used or expended conjunctively with funds belonging to a historical society or group incorporated as a nonprofit organization, the state auditor is granted authority and it shall be his duty to perform an audit of all accounts, books, and other financial records of the state government and the nonprofit corporation pertaining to the expenditure of funds which have been used or expended jointly for constructing, equipping, operating, maintaining, or improving such museum. The state auditor shall prepare a written report or reports of such audit or audits to the legislative audit committee and the governing board of the state-supported institution of higher education.

"(d) No employee of a museum located on a campus referred to in Subsection (a) of this section, who is paid in whole or in part by state funds may be employed or discharged except with the approval and consent of the governing board of the state-supported institution on which campus the museum is located." (SB 1021, 62nd Legis., Reg. Sess., 1971.)

Sec. 43. Subchapter C, Chapter 61, Texas Education Code, is amended by adding Section 61.071 to read as follows:

"Section 61.071. Contract with United States for New Medical School. The board may negotiate and contract with the appropriate agency or agencies of the United States for the establishment, operation, and maintenance of a medical school to be located at or in connection with any Veterans Administration facility that may be made available for the purpose. In any contract, the board shall designate one of the two university systems or another appropriate state-supported institution of higher education under whose governing board the medical school shall be operated." (SB 1028, 62nd Legis., Reg. Sess., 1971.)

Sec. 44. Subchapter C, Chapter 16, Texas Education Code, is amended by adding a Section 16.22 to read as follows:

"Section 16.22. Administration-Office Assignments. For utilization of classroom teacher unit allotment purposes, the Central Education Agency shall regard and recognize as classroom teacher(s) within the definition of 'teacher' as described in the Texas State Public Education Compensation Plan, teacher certificated personnel employed or assigned by any school district to teach, as classroom teachers, and/or to perform administration-office assignments or tasks." (SB 990, 62nd Legis., Reg. Sess., 1971.)

Sec. 45. Each section of this article takes effect only if and when the legislation on which it is based takes effect, but not earlier than September 1, 1971.

Sec. 46. All provisions of the Code Construction Act (Article 5429b-2, Vernon's Texas Civil Statutes) apply to this article.

Sec. 47. This article is intended as a codification only, and nothing in this article is intended to effect any substantive change in the law.

Sec. 48. As each section of this article takes effect, the Act on which it is based is repealed.

Sec. 49. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force as specifically provided, and it is so enacted.

The amendment was adopted without objection.

SCR 126, as amended, was adopted.

Mr. Murray moved to reconsider the vote by which SCR 126 was adopted and to table the motion to reconsider.

The motion to table prevailed.

SB 56—ADOPTION OF CONFERENCE COMMITTEE
REPORT

Mr. Nabers submitted the following Conference Committee Report on SB 56:

Austin, Texas
May 29, 1971

The Honorable Ben Barnes,
President of the Senate

The Honorable Gus F. Mutscher,
Speaker of the House of Representatives

Sirs:

We, your Conference Committee appointed to adjust the differences between the House and Senate on SB 56, have met and adjusted our differences and beg leave to recommend that SB 56 be passed in the form attached hereto.

Respectfully submitted,

On the part of the Senate: Word
Hall
Jordan
Hightower
Watson

On the part of the House: Murray
Nabers
Traeger
Grant Jones

SB 56, A bill to be entitled An Act relating to tuition equalization grants for students of certain private colleges and universities in Texas; providing for severability; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. In order to provide the maximum possible utilization of existing educational resources and facilities within this State, both public and private, the Coordinating Board, Texas College and University System, is authorized to provide tuition equalization grants to Texas residents enrolled in any approved private Texas college or university, based on student financial need, but not to exceed a grant amount of more than that specified in the appropriation by the Legislature.

Sec. 2. (a) The coordinating board shall approve only such private or independent colleges, universities, associations, agencies, institutions, and facilities as are located within this State, which meet program standards and accreditation comparable to public institutions as determined by the board.

"(b) The coordinating board shall make such regulations as may be necessary to insure compliance with the Civil Rights Act of 1964, Title VI (Public Law 88-352) in regard to nondiscrimination in admissions or employment.

(c) Those riders in the General Appropriations Act that apply to expenditure of state funds at state-supported colleges and universities shall also apply to expenditure of state funds at any college or university which any student receiving aid under this Act may attend.

Sec. 3. To be eligible for a tuition equalization grant, a person must:

(a) be a Texas resident as defined by the coordinating board; provided, however, the person must meet, at a minimum, the resident requirements as defined by law for Texas resident tuition in fully state-supported institutions of higher education;

(b) be enrolled as a full-time student in an approved college or university;

(c) be required to pay more tuition than is required at a public college or university;

(d) establish financial need in accordance with procedures and regulations of the coordinating board;

(e) not be a recipient of any form of athletic scholarship;

(f) have complied with other requirements adopted by the coordinating board under this Act.

Sec. 4. Any college or university receiving any benefit under the provisions of this Act, either directly or indirectly, shall be subject to all present or future laws enacted by the Legislature.

Sec. 5. On receipt of a student application, enrollment report, and certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the Legislature, or more than the difference between the tuition at the private institution attended and the tuition at public colleges and universities. The proper amount of the tuition grant shall be paid to the student through the college or univer-

sity in which he is enrolled. In no event shall a tuition equalization grant paid pursuant to this Act exceed the sum of six hundred dollars (\$600) in behalf of any student during any one fiscal year.

Sec. 6. This Act applies to freshmen (first year) students beginning in the fall semester of 1971; to freshmen and sophomores in 1972; to freshmen, sophomores, and juniors in 1973; and to all students attending approved private institutions in 1974 and thereafter.

Sec. 7. (a) The coordinating board may make reasonable regulations, consistent with the purposes and policies of this Act, to enforce the requirements, conditions, and limitations expressed in this Act.

(b) The coordinating board shall make such regulations as may be necessary to comply with the provisions of Article I, Section 7, Article III, Section 51, and other parts of the Texas Constitution.

(c) The coordinating board shall distribute copies of all regulations adopted pursuant to this Act to each eligible institution.

Sec. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 9. The importance of this legislation and the crowded condition of the calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Nabers moved to adopt the Conference Committee Report on SB 56.

Mr. Orr raised a point of order against consideration of the Conference Committee Report on SB 56 on the grounds that it is in violation of Rule 26 of the House Rules.

The Speaker overruled the point of order.

(Mr. Tupper occupied the Chair temporarily)

(Speaker in the Chair)

Mr. Orr raised a point of order against consideration of the Conference Committee Report on the grounds that it violates Rule 24 of the House Rules.

The Speaker overruled the point of order.

Mr. Salter raised a point of order against further consideration of the Conference Committee Report on the grounds that it violates Rule 24, Section 10 of the House Rules.

The Speaker overruled the point of order.

The Conference Committee Report on SB 56 was adopted by the following vote:

Yeas—97

Adams	Farenthold	Lewis	Sanchez
Allen, Joe	Finck	Ligarde	Santiesteban
Allred	Floyd	Lombardino	Schulle
Angly	Foreman	Longoria	Semos
Atwood	Gammage	Lovell	Shannon
Beckham	Garcia	McAlister	Silber
Bigham	Golman	McKissack	Simmons
Blanton	Grant	Mengden	Slack
Bowers	Graves	Moncrief	Solomon
Boyle	Hale	Moore, A.	Spurlock
Braecklein	Harris	Moore, G.	Stroud
Braun	Hawkins	Moore, T.	Tarbox
Bynum	Hawn	Murray	Traeger
Calhoun	Haynes	Nabers	Truan
Carrillo	Heatly	Nelms	Tupper
Clark	Hendricks	Neugent, D.	Vale
Coats	Hilliard	Nichols	Von Dohlen
Craddick	Hubenak	Ogg	Ward
Cruz	Hull	Parker, C.	Wayne
Daniel	Ingram	Patterson	Williams
Davis, D.	Johnson	Pickens	Wolff
Denton	Jones, D.	Poff	Wyatt
Doyle	Jones, G.	Price	
Dramberger	Kilpatrick	Rosson	
Earthman	Kost	Salem	

Nays—47

Agnich	Cole	Kaster	Reed
Allen, John	Davis, H.	Kubiak	Rodriguez
Baker	Doran	Lee	Salter
Bass, B.	Finnell	Lemmon	Short
Blythe	Finney	Moreno	Slider
Burgess	Hanna, Joe	Newton	Smith
Caldwell	Hannah, John	Niland	Stewart
Cates	Head	Nugent, J.	Swanson
Cavness	Holmes, T.	Orr	Uher
Christian	Howard	Parker, W.	Wieting
Clayton	Jones, E.	Poerner	Williamson
Cobb	Jungmichel	Presnal	

Present—Not Voting

Bass, T.

Absent

Harding

Absent-Excused

Atwell Holmes, Z. Sherman

Mr. Nabers moved to reconsider the vote by which the House adopted the Conference Committee Report on SB 56 and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 31, 1971

Honorable Gus Mutscher, Speaker of the House of Representatives

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 139, By Schwartz: Instructing the Enrolling Clerk of the Senate to make the following corrections needed in enrolling SB 11 which includes and covers errors in language, statutory references, calculations and unintentional omissions.

Respectfully,
CHARLES A. SCHNABEL
Secretary of the Senate

SB 937 ON SECOND READING (Mr. Moreno—House Sponsor)

Mr. Moreno moved that all necessary rules be suspended to take up and consider at this time, SB 937.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to third reading,

SB 937, A bill to be entitled An Act creating a Court of Domestic Relations for El Paso County, Texas; fixing the jurisdiction; conforming the jurisdiction of other courts thereto; fixing its term; providing the manner of selection, tenure and compensation of the judge and other officers of the court; providing the manner of and grounds for removal of the judge of said court; providing for the membership of the Judge of said Court on the Juvenile Board of El Paso; providing the procedure of said court; providing for the services of certain county and district officers to said court; containing a saving clause; and declaring an emergency.

The bill was read second time and was passed to third reading.

SB 937 ON THIRD READING

Mr. Moreno moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 937 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—135

Adams	Denton	Kost	Rodriguez
Allen, Joe	Doyle	Kubiak	Rosson
Allen, John	Dramberger	Lee	Salem
Allred	Earthman	Lemmon	Salter
Angly	Farenthold	Lewis	Sanchez
Atwood	Finck	Ligarde	Santiesteban
Baker	Finnell	Lombardino	Schulle
Bass, B.	Finney	Longoria	Semos
Bass, T.	Foreman	Lovell	Shannon
Beckham	Gammage	McAlister	Short
Bigham	Garcia	McKissack	Simmons
Blanton	Golman	Moncrief	Slack
Blythe	Grant	Moore, A.	Slider
Boyle	Hale	Moore, G.	Smith
Braecklein	Hanna, Joe	Moore, T.	Solomon
Braun	Hannah, John	Moreno	Spurlock
Burgess	Harris	Murray	Stewart
Bynum	Hawkins	Nabers	Stroud
Caldwell	Hawn	Nelms	Swanson
Calhoun	Haynes	Neugent, D.	Tarbox
Carrillo	Head	Newton	Traeger
Cates	Heatly	Nichols	Truan
Cavness	Hendricks	Niland	Tupper
Christian	Hilliard	Ogg	Uher
Clark	Holmes, T.	Orr	Vale
Clayton	Howard	Parker, C.	Von Dohlen
Coats	Hubenak	Parker, W.	Ward
Cobb	Ingram	Patterson	Wayne
Cole	Johnson	Pickens	Wieting
Craddick	Jones, D.	Poerner	Williams
Cruz	Jones, E.	Poff	Williamson
Daniel	Jones, G.	Presnal	Wolff
Davis, D.	Jungmichel	Price	Wyatt
Davis, H.	Kaster	Reed	

Nays—8

Agnich	Doran	Graves	Mengden
Bowers	Floyd	Hull	Nugent, J.

Absent

Harding	Kilpatrick	Silber
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Absent-Excused

Atwell	Holmes, Z.	Sherman
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The Speaker then laid SB 937 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—143

Adams	Denton	Kaster	Reed
Agnich	Doran	Kilpatrick	Rodriguez
Allen, Joe	Dramberger	Kost	Rosson
Allen, John	Earthman	Kubiak	Salem
Allred	Farenthold	Lee	Salter
Angly	Finck	Lemmon	Sanchez
Atwood	Finnell	Lewis	Santiesteban
Baker	Finney	Ligarde	Schulle
Bass, B.	Floyd	Lombardino	Semos
Bass, T.	Foreman	Longoria	Shannon
Beckham	Gammage	Lovell	Short
Bigham	Garcia	McAlister	Silber
Blanton	Golman	McKissack	Simmons
Blythe	Grant	Mengden	Slack
Bowers	Graves	Moncrief	Slider
Boyle	Hale	Moore, A.	Smith
Braecklein	Hanna, Joe	Moore, G.	Solomon
Braun	Hannah, John	Moore, T.	Spurlock
Burgess	Harris	Moreno	Stewart
Bynum	Hawkins	Murray	Stroud
Caldwell	Hawn	Nabers	Swanson
Calhoun	Haynes	Nelms	Tarbox
Carrillo	Head	Neugent, D.	Traeger
Cates	Heatly	Newton	Truan
Cavness	Hendricks	Nichols	Tupper
Christian	Hilliard	Niland	Uher
Clark	Holmes, T.	Nugent, J.	Vale
Clayton	Howard	Orr	Von Dohlen
Coats	Hubenak	Parker, C.	Ward
Cobb	Hull	Parker, W.	Wayne
Cole	Ingram	Patterson	Wieting
Craddick	Johnson	Pickens	Williams
Cruz	Jones, D.	Poerner	Williamson
Daniel	Jones, E.	Poff	Wolff
Davis, D.	Jones, G.	Presnal	Wyatt
Davis, H.	Jungmichel	Price	

Absent

Doyle Harding Ogg

Absent-Excused

Atwell Holmes, Z. Sherman

ADDRESS BY THE HONORABLE EDMUND JONES

The Speaker recognized the Honorable Edmund Jones who addressed the House on a matter of personal privilege.

SB 521 ON SECOND READING

(Mr. Bill Bass—House Sponsor)

Mr. Bill Bass moved that all necessary rules be suspended to take up and consider at this time, SB 521.

The motion prevailed by the following vote:

Yeas—138

Adams	Doyle	Kilpatrick	Reed
Agnich	Dramberger	Kost	Rodriguez
Allen, Joe	Earthman	Kubiak	Rosson
Allen, John	Farenthold	Lee	Salem
Allred	Finck	Lemmon	Salter
Angly	Finnell	Lewis	Sanchez
Atwood	Finney	Ligarde	Santiesteban
Baker	Floyd	Lombardino	Schulle
Bass, B.	Foreman	Longoria	Semos
Bass, T.	Gammage	McAlister	Shannon
Beckham	Garcia	McKissack	Short
Bigham	Golman	Mengden	Silber
Blanton	Grant	Moncrief	Simmons
Blythe	Graves	Moore, A.	Slack
Bowers	Hale	Moore, G.	Smith
Boyle	Hanna, Joe	Moore, T.	Solomon
Braecklein	Hannah, John	Moreno	Spurlock
Braun	Harris	Murray	Stewart
Burgess	Hawkins	Nabers	Swanson
Bynum	Hawn	Nelms	Tarbox
Caldwell	Haynes	Neugent, D.	Traeger
Calhoun	Head	Newton	Truan
Carrillo	Heatly	Nichols	Tupper
Cates	Hendricks	Niland	Uher
Cavness	Hilliard	Nugent, J.	Vale
Clark	Holmes, T.	Ogg	Von Dohlen
Clayton	Howard	Orr	Ward
Coats	Hubenak	Parker, C.	Wayne
Cobb	Hull	Parker, W.	Wieting
Cole	Ingram	Patterson	Williams
Craddick	Johnson	Pickens	Williamson
Daniel	Jones, D.	Poerner	Wolff
Davis, D.	Jones, G.	Poff	Wyatt
Davis, H.	Jungmichel	Presnal	
Denton	Kaster	Price	

Absent

Christian	Doran	Jones, E.	Slider
Cruz	Harding	Lovell	Stroud

Absent-Excused

Atwell	Holmes, Z.	Sherman
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The Speaker laid before the House on its second reading and passage to third reading,

SB 521, A bill to be entitled An Act relating to the Texas Relocation Assistance Act establishing a uniform policy for the fair and equitable treatment of persons displaced as a result of any program undertaken by any agency of this state or in which any agency of this state participates; satisfying the requirements imposed upon the various states receiving certain

federal assistance under the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970, P. L. 91-646, 74 Stat. 1894; and declaring an emergency.

The bill was read second time and was passed to third reading.

SB 521 ON THIRD READING

Mr. Bill Bass moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 521 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—137

Adams	Davis, H.	Kost	Rodriguez
Agnich	Denton	Kubiak	Rosson
Allen, Joe	Doyle	Lee	Salem
Allen, John	Dramberger	Lemmon	Salter
Allred	Earthman	Lewis	Sanchez
Angly	Farenthold	Ligarde	Schulle
Atwood	Finck	Lombardino	Semos
Baker	Finnell	Longoria	Shannon
Bass, B.	Finney	Lovell	Short
Bass, T.	Foreman	McAlister	Silber
Beckham	Gammage	McKissack	Simmons
Bigham	Garcia	Mengden	Slack
Blanton	Golman	Moncrief	Smith
Blythe	Grant	Moore, A.	Solomon
Bowers	Hale	Moore, G.	Spurlock
Boyle	Hanna, Joe	Moore, T.	Stewart
Braecklein	Hannah, John	Moreno	Stroud
Braun	Harris	Murray	Swanson
Burgess	Hawkins	Nabers	Tarbox
Bynum	Hawn	Nelms	Traeger
Caldwell	Head	Neugent, D.	Truan
Calhoun	Heatly	Newton	Tupper
Carrillo	Hendricks	Nichols	Uher
Cates	Hilliard	Niland	Vale
Cavness	Holmes, T.	Ogg	Von Dohlen
Christian	Howard	Orr	Ward
Clark	Hubenak	Parker, C.	Wayne
Clayton	Hull	Parker, W.	Wieting
Coats	Ingram	Patterson	Williams
Cobb	Johnson	Pickens	Williamson
Cole	Jones, D.	Poerner	Wolff
Craddick	Jones, E.	Poff	Wyatt
Cruz	Jungmichel	Presnal	
Daniel	Kaster	Price	
Davis, D.	Kilpatrick	Reed	

Nays—4

Doran	Floyd	Graves	Nugent, J.
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Absent

Harding Haynes	Jones, G.	Santiesteban	Slider
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Absent-Excused

Atwell	Holmes, Z.	Sherman
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The Speaker then laid SB 521 before the House on third reading and final passage.

The bill was read third time and was passed.

Mr. Bill Bass moved to reconsider the vote by which SB 521 was passed and to table the motion to reconsider.

The motion to table prevailed.

SB 570 ON SECOND READING
(Mr. Wyatt—House Sponsor)

Mr. Wyatt moved that all necessary rules be suspended to take up and consider at this time, SB 570.

The motion prevailed.

The Speaker laid before the House on its second reading and passage to third reading,

SB 570, A bill to be entitled An Act creating and establishing in the City of Victoria a coeducational institution of higher learning to be known as Victoria State University; and declaring an emergency.

The bill was read second time and was passed to third reading.

VOTE RECORDED

Mr. Patterson requested to be recorded as voting Nay on the passage to third reading of SB 570.

MOTION TO PLACE SB 570 ON THIRD READING

Mr. Wyatt moved that the constitutional rule requiring bills to be read on three several days be suspended and that SB 570 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote) :

Yeas—102

Adams	Angly	Bigham	Braun
Agnich	Baker	Blanton	Burgess
Allen, Joe	Bass, B.	Boyle	Bynum
Allen, John	Bass, T.	Braecklein	Caldwell

Carrillo	Head	Moncrief	Semos
Cates	Hendricks	Moore, A.	Shannon
Cavness	Hilliard	Moore, T.	Silber
Coats	Holmes, T.	Moreno	Simmons
Cruz	Howard	Murray	Slack
Davis, D.	Hubenak	Nabers	Smith
Davis, H.	Hull	Nelms	Solomon
Denton	Ingram	Neugent, D.	Spurlock
Doyle	Johnson	Newton	Stroud
Farenthold	Jones, D.	Nichols	Swanson
Finney	Jungmichel	Niland	Truan
Foreman	Kaster	Ogg	Tupper
Gammage	Kilpatrick	Parker, C.	Vale
Garcia	Kost	Poerner	Von Dohlen
Golman	Lemmon	Poff	Ward
Grant	Lewis	Presnal	Wieting
Hale	Ligarde	Price	Williams
Hannah, John	Lombardino	Reed	Williamson
Harris	Longoria	Salem	Wolff
Hawkins	Lovell	Sanchez	Wyatt
Hawn	McAlister	Santiesteban	
Haynes	McKissack	Schulle	

Nays—35

Atwood	Doran	Jones, G.	Rosson
Beckham	Dramberger	Kubiak	Short
Blythe	Earthman	Lee	Slider
Bowers	Finck	Mengden	Stewart
Calhoun	Finnell	Moore, G.	Tarbox
Christian	Floyd	Nugent, J.	Traeger
Clayton	Hanna, Joe	Orr	Uher
Cole	Heatly	Patterson	Wayne
Craddick	Jones, E.	Pickens	

Absent

Allred	Daniel	Harding	Rodriguez
Clark	Graves	Parker, W.	Salter
Cobb			

Absent-Excused

Atwell	Holmes, Z.	Sherman
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ADJOURNMENT

Mr. Graves moved that the House adjourn until 6:25 p.m. today.

The motion prevailed without objection.

The House accordingly, at 6:19 p.m., adjourned until 6:25 p.m. today.

EIGHTY-SIXTH DAY—MONDAY, MAY 31, 1971

The House met at 6:25 p.m. and was called to order by the Honorable Jim Nugent.